REPORT OF
THE ADVISORY COMMITTEE
ON COUNTY GOVERNMENT:

Patterns for the Future

Report and Recommendations to the
Minister of Municipal Affairs

November, 1987

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PREFACE

The Honourable Bernard Grandmaitre, then Minister of Municipal Affairs, announced in a statement to the Legislature on February 10, 1987, the formation of the Advisory Committee on County Government. He commented:

> "This responds to changing conditions which suggest it is time to review the capacity of county government to deal with important service issues.
>
> "Counties themselves recognize the need to consider additional responsibility for waste management, emergency planning, economic development, building code enforcement and other functions. In addition, counties may be the key to effective delivery of social services such as child care and senior services.
>
> "County councils are a valuable institution in Ontario dating back more than a century. I expect them to continue on into the next century. But we must look and see if this vital part of the political fabric of Ontario can be improved and made stronger to meet the challenges it will face in the future."

The terms of reference for the review included representation, functions and financial issues within the present county government system. The Committee's mandate was to ensure that county government remains a relevant and accountable system of local decision-making.

This report concludes the Committee's review of county government in Ontario. Since starting work in April, 1987, the Committee has conducted a survey among the counties; requested and received a large number of written submissions; travelled from London to Perth to consult with municipal representatives, associations and individuals; met with staff of various ministries; discussed and formulated the recommendations outlined in this report.

The Committee has looked at retooling and reshaping -- but not restructuring -- county government, so that it can meet the challenges of the future. In some cases, issues were raised that did not fall within the Committee's mandate, but which the Committee considered to need further action. These issues have been flagged under "Future Considerations" in the representation chapter.

During its consultation meetings, the Committee discovered that many feared that the review would promote a regional government system, or that the county would be strengthened at the expense of local municipalities. This was very far from the Committee's intent, which was to avoid using regional government as a model, and rather to strengthen the basic county system.

This meant taking local municipalities into consideration in every instance, since a county federation can only be as strong as its member municipalities.

It meant ensuring that representation on county council will be equitable, since a major concern was keeping the larger municipalities in the county system.

It meant providing flexibility in decision-making in recognition of the right and responsibility of duly elected local representatives to decide what service-delivery arrangements and county council composition are most appropriate in their areas.

It meant respecting the fact that what would be seen as ideal in one county would not be acceptable in another.

We wish to express our sincere appreciation to all local and county government representatives, associations, other groups and interested citizens who took the time and effort to respond to our survey, write submissions or meet with us. In particular, we would like to thank the people who worked most closely with us: Wendy Noble, Helen McLean, Lynne Peterson, Curry Clifford, Susan Dolbey, Laurie Leblanc, Maureen MacQuarrie and Sylvia Woldenga. We are also grateful to Municipal Affairs staff who advised us on specific issues, and those from other Ministries who supplied us with information.

Finally, we are very pleased to submit this report to the Honourable John Eakins, Minister of Municipal Affairs, and wish to express our thanks for the opportunity to contribute to the health of the county government system in Ontario.

Ray Haggerty, M.P.P.
Committee Chairman,
Parliamentary Assistant
to the Minister of Consumer
and Commercial Affairs.

Doris Brick, Reeve,
Township of Ennismore and
Councillor, County of
Peterborough.

Al Bouwers, Mayor,
Township of Osgoode and
Regional Councillor,
Region of Ottawa-Carleton.

Ron Eddy, Reeve,
Township of South Dumfries and
Councillor, County of Brant.

I. INTRODUCTION

Ontario's 26 counties contain 504 constituent municipalities. A total of about 1.4 million people live in counties, with populations ranging from a low of 11,500 in Haliburton to more than 160,000 in Simcoe. Also within counties geographically, but outside the county system, are eighteen cities, four separated towns and one separated township.[1]

The county government system in Ontario is almost a century and a half old. Established by the Baldwin Act of 1849, it remains much the same today, although there have been some modifications and amendments over the years.

Counties originally provided a limited range of services. They maintained a county road system, operated a court house, jail and land registry office, and established and ran homes for the aged. These were services that served people in more than one municipality, required more resources than a single municipality could provide, or in the case of administration of justice, were not directly related to local municipal operations.

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[1] Separated cities are Barrie, Belleville, Brantford, Brockville, Chatham, Cornwall, Guelph, Kingston, London, Orillia, Owen Sound, Pembroke, Peterborough, Sarnia, St. Thomas, Stratford, Trenton, Windsor. Separated towns are St. Mary's, Smith's Falls, Gananoque and Prescott. The Township of Pelee (Pelee Island) is separated from the County of Essex.

Issues relating to the provision of these services tended to be administrative in nature.

In the past 50 years, the number and type of services provided by counties have changed. While the Province has taken over administration of justice, counties have become involved to various degrees in such things as delivery of social services, land-use planning, libraries, building inspection services, economic development, recreation and cultural services, and waste disposal. Not only have the number and diversity of services provided at the county level increased as the need for coordination and a larger geographic and economic base became evident, but the issues involved have become more difficult, controversial and political in nature.

As the number and nature of county services have changed, so has the county federation. Local municipalities within a county now vary considerably -- from large, almost entirely urban communities to rural municipalities to a mixture, and with populations ranging from 65 to about 30,000.[2] This has created a discrepancy between the percentage of population a municipality has in the county system and its voting power. Counties

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[2] The Village of Sturgeon Point, in Victoria County, is the smallest municipality in a county, with a population of 65 and Kingston Township, in Frontenac County, is the largest with 29,561 as of the 1985 provincial enumeration.

themselves differ considerably in the nature and type of services they provide. The population differences, combined with the increasingly difficult servicing issues, have made representation on county council a controversial issue.

Formation of Advisory Committee

With these factors in mind, the Honourable Bernard Grandmaitre, then Minister of Municipal Affairs, announced on February 10, 1987, the formation of the Advisory Committee on County Government.

Ray Haggerty, MPP, then Parliamentary Assistant to the Minister of Municipal Affairs, was named Committee Chairman. In April, the Minister announced the names of the other committee members. They were:

- Albert Bouwers, Mayor of the Township of Osgoode, Regional Councillor of the Region of Ottawa-Carleton and a member of the board of directors of the Association of Municipalities of Ontario (AMO);

- Doris Brick, Reeve of the Township of Ennismore, Councillor of the County of Peterborough and 1987/88 AMO president; and

- Ron Eddy, Reeve of the Township of South Dumfries, Councillor of the County of Brant, Chief Administrative Officer of Middlesex County, AMO director and a former AMO president.

The terms of reference for the review, which were sent to all counties and municipalities within counties, directed the Committee to look at accountability, representation and the

distribution of responsibility for services within the present county government system.

Study Process

The Committee began with a research phase of 11 days of meetings between April and June, 1987. The staff was directed to compile data on counties, develop and distribute a questionnaire to each county, and to prepare discussion papers on representation and functions issues. County and local municipalities, as well as interested individuals and groups, were invited to provide submissions to the Committee.

Beginning in July, the Committee held consultation meetings with the County and Regional Section of the Association of Municipalities of Ontario (AMO), the Association of Clerks and Treasurers of Counties and Regions of Ontario, the Small Urban Section of the Association of Municipalities of Ontario, and with representatives of county and local municipalities in one or two-day sessions in Peterborough, Perth, Orangeville and London.

The Committee received more than 120 written submissions and heard 43 presentations from municipal representatives, associations and individuals. It also met with representatives of 11 ministries. (See appendices for lists of submissions and presentations.)

The original timetable called for two reports -- one on representation issues and waste management by the end of September, and a second on functions by the end of December, 1987. The Committee received many comments on functions in the submissions and presentations and was able to reach conclusions on these issues. As the Committee began considering its recommendations on functions issues it determined that the review could be completed with one report.

Committee Goals and Objectives

In developing the recommendations outlined in this report, the Committee considered its mandate as laid out in the terms of reference, and the issues and suggestions raised in the submissions and presentations. The Committee also identified a number of goals and objectives which it felt should be reflected in the recommendations. These were:

- a recognition of the importance of maintaining local decision-making and identity. In the case of representation issues, this took the form of affirming the principle of the county as a federation of municipalities. With services, it was reflected in the emphasis on more flexible decision-making by county and local municipal councils.

- improving public understanding of the county system and promoting good communications between the county and local municipal councils.

- providing flexibility to recognize the differences among counties so that individual counties can respond to contemporary needs in the manner most appropriate.

- opposing blanket legislation that affects all municipalities equally without taking into account the right of locally elected representatives to determine at what level a service should be provided, and how county councils should be composed.

Report Format

Following, in chapter two, is a description of the historical development of county representation and functions, which provides the context for discussion of the issues.

Representation issues and recommendations are outlined in chapter three; functions issues, including county powers, intermunicipal agreements, special purpose bodies and police villages, are discussed in chapter four; waste management in chapter five; and financial issues in chapter six.

II. A BRIEF HISTORY OF COUNTIES

Early Forms of Local Government

While counties were created as geographic areas in 1792, they were fairly late developing as a form of local government in Ontario. In the 1760s the arrival of almost 20,000 United Empire Loyalists, primarily in the vicinity of Kingston and the Niagara district, created demands for local government. However, these demands were for a government at a town or township level, rather than at a county level. In their previous home these new settlers had been accustomed to a strong form of local self government. The "town meeting" conducted by elected officials was the central feature. The regulations made in these meetings were subject to the Court of Quarter Sessions; however, in practice New England had local self government.[3]

Despite the Loyalists' demands for a local government similar to the town meeting system, it was the non-elected Courts of Quarter Sessions that were given a judicial role, as well as a legislative and an executive role in Canada by the British colonial government.

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[3]Adam Shortt, Municipal Government in Canada. (Toronto: University of Toronto Studies, History and Economics, 1907), pp. 59-88.

In order to provide more adequate administration for the expanded settlements, particularly in judicial matters, this all-in-one form of government was established in 1788 in four "districts" of what was to become in 1791, Upper and Lower Canada.[4] The Constitutional Act of 1791 provided that His Majesty could authorize the Lieutenant Governor to issue a proclamation dividing Upper Canada into "districts, or counties, or cities and towns or townships" for the purpose of creating electoral districts for electing members to the newly constituted Legislative Assembly of Upper Canada.[5]

In 1792, Lieutenant Governor Simcoe did divide these four districts into nineteen counties: Glengarry, Stormont, Dundas, Grenvill (sic), Leeds, Frontenac, Ontario, Addington, Lennox, Prince Edward, Hastings, Northumberland, Durham, York, Lincoln, Norfolk, Suffolk, Essex, and Kent. These counties, however, were not established to provide municipal or judicial services. Rather, they were created for two purposes: for organizing units for the militia and for electing members to the newly constituted Legislative Assembly.

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[4]John George Bourinot, Local Government in Canada. (John Hopkins University, 1887), p. 30.

[5]In addition to the Assembly, the Provincial Legislature consisted of a Lieutenant-Governor, and a Legislative Council appointed by the Crown.

Historical accounts from the eighteenth century indicate that of the two reasons behind the creation of counties, organization for military purposes was the dominant factor.[6] John George Bourinot, in his 1887 book entitled Local Government in Ontario, recounted the thoughts of the Duke de la Rochefoueault-Liancourt on Canada's county divisions. Travelling through the country in 1795, he wrote that the division of districts into counties was "purely military, and related merely to the enlisting, completing and assembling of the militia." Segmentation into the smaller units allowed for more effective militia leadership in that a Lieutenant was appointed for each county who could exercise greater control over his troops.

In addition to this reason for the creation of counties, the division was also necessary for representation reasons. With the introduction of the Legislative Assembly, a system had to be provided for electing its members and again the district was too large a geographic area. While the smaller county units were more appropriate than districts for elections, it was also necessary to divide some of the more populous counties into ridings, each of which sent a representative to the Legislature. Conversely, in other instances one representative was elected for two or more counties.

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[6]Bourinot, op. cit., p.34.

Responding to the demands of this newly elected Assembly, Governor Simcoe reluctantly permitted the passage of the Parish and Town Officers Act of 1793. This enabled the justices of the peace to assemble the inhabitants and householders of any "parish, township, reputed township or place" to meet to elect certain parish and town officers and to determine the height and sufficiency of fences. These officers were a clerk, two assessors, a collector, two to six overseers of highways and roads, one or more poundkeepers and two town wardens.[7]

While the 1830s and early 1840s saw increasing pressures for local government, and in turn the incorporation of many areas including Brockville, Hamilton, Cobourg and Toronto, there were no reforms at a county level. In fact, it was not until the reuniting of the Canadian provinces in 1840 that coordinated steps were taken to establish a stronger system of popular local government in Ontario.

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[7]The two town wardens, the Act states, "shall be as a corporation to represent the whole inhabitants of the township or parish and as such may have a property in goods or chattels of or belonging to the said parish and shall and may sue, prosecute or defend in all presentments, indictments or actions for, and on behalf of the inhabitants of the said parish." Where there was an Anglican church, the rector chose one warden, the town meeting the other.

The 1841 District Councils Act, brought in by Lord Durham's investigation of the Upper Canada rebellion, was the first break with a government system run by the Courts of Quarter Sessions. "By this Act," noted Kenneth Crawford, "the inhabitants of each district were constituted a body corporate, its powers to be exercised by a council composed of a warden, appointed by the Governor and holding office at pleasure, and councillors elected by the 'Inhabitants, Freeholders and Householders' at their annual meeting. Each township was to elect one councillor; a township with more than 300 inhabitant freeholders and householders was entitled to two councillors."[8]

The districts incorporated under this Act took on some of the functions previously administered by the Courts of Quarter Sessions, including responsibility for certain roads and bridges. Establishing and supporting local schools as well as raising money for district purposes were other powers given to these councils. Central authority was maintained in this system as the Governor-General could disallow any by-laws and had the power to dissolve any district council.

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[8]Kenneth Grant Crawford, Canadian Municipal Government, (Toronto, University of Toronto Press, 1954), p. 29.

The Baldwin Act

It was really not until 1849, many years after functions were placed at a local and district level, that counties became units of local government responsible for delivering services on a county-wide basis. The 1849 Municipal Corporations Act (the Baldwin Act) established counties as units of local government, providing for composition of county councils and their responsibilities.

Counties were given the district powers that were not transferred to the townships, towns and villages. The county, therefore, took responsibility for certain roads and bridges, the county court house and jail, maintenance of shire halls, assistance for students to obtain post-secondary education and some licensing powers, particularly in the field of transportation. Significantly, no limit was placed on the taxation powers of counties, or other municipal levels, as the Governor General could not disallow local by-laws, which he could do under the District Councils Act.

Council Composition

The Baldwin Act provided that all reeves and deputy reeves in a county would sit on county council. Towns and townships with 500 or more freeholders and householders were entitled to a deputy reeve on county council, while all other municipalities

were represented by the reeve only. The new Municipal Act of 1866 altered these rules somewhat. All reeves and deputy reeves in a county would sit on county council as before. However, all towns, townships and villages were entitled to one deputy reeve for each 500 electors over 500.

The Act was amended in 1896 specifically to reduce the size of county councils. County councillors would be directly elected from between four and nine divisions within each county with two councillors per division. The division boundaries were drawn by a Royal Commission and did not follow municipal boundaries. Local councillors were not eligible to be elected to county council. This change to direct election was short-lived and the Act was changed again in 1903.

The 1903 Act provided for a county council composed of the reeves of villages and townships and the mayors of towns, if a majority of local municipalities in the county passed a resolution requesting such a change. This local choice option was repealed in 1906 and the rules in force prior to 1896 were reinstated with minor variations. Every town, village and township was entitled to a reeve, and in municipalities with over 1,000 electors, one deputy reeve for every additional 1,000 electors to a maximum of three deputy reeves. This upper limit

was apparently designed to prevent county councils from becoming too large.

The legislation was further amended in 1930. No municipality was permitted to have more than one deputy reeve. However, the multiple vote system was introduced. If a municipality had between 2,000 and 3,000 electors, the reeve received an additional vote and a municipality with 3,000 or more electors received an additional vote for the deputy reeve. All municipalities with more than 1,000 electors were entitled to be represented by the reeve and deputy reeve. Those with fewer than 1,000 electors were represented by the reeve only.

The current legislation governing county council composition (sections 27, 28 and 29 of the Municipal Act, R.S.O. 1980) was passed in 1972. It retained the 1930 provisions and added two options. These, and provisions in special legislation which govern four counties, are discussed in the next chapter.

Financial Crisis

Once formed, the counties, like other municipalities at the end of the century, invested heavily and imprudently in utilities, especially railroads, to attract industry. As the availability of British capital for financing these services ceased (following the 1857 European financial crisis), many of

these municipalities began defaulting on their payments. This embarrassing financial management problem was reflected in the subsequent number of Private Bills authorizing the consolidation of counties' floating debts and their assistance to railways. In the thirty years following the financial crisis the Legislature passed fourteen Private Bills affecting eleven counties to deal with these problems.

Interestingly, today no county operates utilities. However, these experiences may help to explain what is often a financial management philosophy characterized by an aversion to taking on debt for new or existing services. This, in turn, has meant in some instances not taking on a new service at all. (The concern about "double taxation" -- taxation at both the lower and upper tier level -- is also held up as an explanation of this debt-averse philosophy.)

Changes in County Services

The county role in public services has changed as the nature of the economy and society has changed. With the amendment of the Common Schools Act in 1850, which required counties to assume from the townships responsibility for appointing local school superintendents, counties assumed a stronger role in education. A formal county role in education continued for over a century. Similarly, a county role in the maintenance of prisons and courts

continued from the time of counties' early history until less than 20 years ago.

Counties' powers in road services gradually increased over the years. Powers were provided to counties in 1896 to make grants to local municipalities for roads which ran into county roads, and in 1901 to apply provincial grants to the purchase of toll roads.

In social welfare, a county role is similarly deeply rooted with the 1866 Municipal Institutions Act, which made it mandatory for counties to establish a house of industry and a house of refuge. Welfare, of course, has a different meaning today. Since 1966 when the former Wentworth County began administering welfare on a county basis, all counties but four have taken on the service.

Library service is also relatively new for counties, although it has not been adopted as widely as a county service. Counties were first enabled to establish county library cooperatives in 1947. The library cooperatives had very limited purposes -- purchasing and distributing books for circulation by the local municipalities' library boards -- as compared with county library boards, first provided for in 1959. Four years later, in 1963, Middlesex County established the first county

library. Today, there are 14 county libraries. (Simcoe County retained the county library cooperative.)

Urban Pressures

While a great many counties have been formed since 1849, over the years the number has been reduced to 26. The pressures of increasing urbanization were addressed by a process of restructuring municipal government. This process began with the creation of Metropolitan Toronto in the 1950s, continued with the formation of 10 regional governments and the District Municipality of Muskoka, and concluded in the 1970s with the restructuring of the County of Oxford. The regions were given all or major municipal responsibility for such functions as welfare, roads, water supply, sewage disposal, planning and capital borrowing.[9] The regions are modelled on the county system, with the upper tier closely paralleling the boundaries of one or more counties in most cases. Any municipalities that had been separated from the county system were included in the regional system. Each region has its own legislation.

Electoral Review

In the 1960s and 70s, the municipal electoral process was also the subject of review. In 1972 the Municipal Elections Act

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[9]All regions with the exception of Ottawa-Carleton also have responsibilities for police. Also, the District of Muskoka does not have a police force.

consolidated and simplified the previous provisions in the Municipal Act. From 1849 to 1972, there were minimum property values or residency requirements for voting in a municipal election. The Municipal Elections Act eliminated the minimum property value requirement and created two categories of electors: resident and non-resident. This, added to the change in voting age, had the effect of increasing the number of electors in municipalities, which in turn affected municipalities' entitlement to representation and to voting power on county council. In 1985, the municipal franchise was broadened to include judges, inmates of psychiatric facilities and persons in correctional institutions who are not under sentence of imprisonment, which also increased the number of municipal electors. Effective July 1, 1988, British subjects, unless they are Canadian citizens, will no longer be entitled to vote in municipal elections.

County Review

Ontario's 26 counties represent areas of the province which have been subject to less urban growth pressure than areas in which regional governments have been established. Urban development has placed a continuous pressure on local municipalities and their counties, however. Few municipalities are now predominantly rural in nature. Suburban development has created a climate for annexation disputes. Some townships are

now larger than towns; some could qualify for city status, which would mean separation from the county system. The disparity in size among municipalities has placed strains on representation, which become particularly contentious as pressures for new services at the county level are felt.

III. REPRESENTATION ISSUES

Introduction

Local municipal representatives elected as reeves, and in some cases the deputy reeves as well, automatically serve on county council. This basic arrangement was originally established in the Baldwin Act of 1849 and has continued for almost a century and a half.

This system, as a method of choosing representatives to serve on county council, provides a direct link between local municipalities and their county. Local issues and concerns can be addressed as they relate to county services, and local municipalities are well informed of the county's activities on their behalf. In addition, this system of representation reflects the concept of the county as a federation of member municipalities, rather than as a separate government jurisdiction. This concept is also reflected in the financing arrangements, whereby the county obtains its funds by a levy on each of its member municipalities.

The concept of the county as a federation gave rise to the principle that each member municipality should have at least one representative on county council. Whether a municipality has a population of 30,000 or of only 65, it is entitled to at least one county council member.

The basic democratic principle of representation by population is held to be equally important, and is provided for in two ways. First, the Municipal Act allows for a second county council member, the deputy reeve, if the municipality has over a certain number of electors. Some municipalities have one member, the reeve, on county council, and those with a larger population have two.

Since this is still not considered sufficient to reflect large differences in the populations of member municipalities, there is also a system of weighted or multiple votes. Those reeves and deputy reeves of large municipalities could have up to two votes each (for a total municipal vote of four), to reflect the greater number of people that they represent when decisions are made. In Lambton, special legislation allows up to three votes each for the reeve and deputy reeve of municipalities with more than 10,000 electors.

The system of multiple votes was developed as an alternative to adding more members to county council as population increased. Otherwise, the number of members on a county council could soon become so large that decision-making could become difficult. For example, discussion of agenda items by a council with 40 members, where every member wanted to express an opinion on every item,

would take a very long time. As a result, more and more decisions tend to be made by the more manageably-sized committees, and council members tend to be knowledgeable about only those issues that are dealt with by the committees on which they sit.

The attempt to reconcile these three aspects -- the county as federation, representation by population, and manageable council size -- has become more difficult as county populations have increased; as the number of electors has increased with a lower voting age and changes to the Municipal Elections Act in 1972 providing for all non-resident electors; and as the disparity in size among municipalities has increased.

In addition, achieving a fair and equitable balance of representation on county council has become more important as the county has evolved to take on more controversial and difficult area-wide issues. Not only has the population disparity from one municipality to another become greater, but also the nature of municipalities now differs greatly. The relatively rural homogeneity of county municipalities has given way to municipal neighbours which may have very little in common. These differing interests are reflected in increased concern about maintaining balanced representation.

It is these issues and principles that the Advisory Committee on County Government has attempted to address, while recognizing yet another type of disparity -- the differences among counties themselves. Counties reflect the different priorities, growth rates, values and aspirations of different parts of the province. No two provide the same range of services. **What would be seen as ideal in one county would not be acceptable in another.**

Other related issues considered by the Committee include the term and method of election of the warden, whether provision should be made to allow a substitute for a county council member in cases of absence or illness, whether town mayors should be members of county council, and possible changes of titles of heads of council.

Future Considerations

In the submissions received by the Committee, and during the consultation meetings, issues were raised which do not fall within the Advisory Committee's mandate.

Many submissions referred to the fact that a major obstacle to equitable representation is the existence of very small municipalities. It was recommended to the Committee that consideration be given to amalgamation of the smallest with their

neighbouring municipalities. As the Committee reviewed the impact of different formulas for representation on a county-by-county basis, it became evident that representation by population could not be reconciled with the principle of federation when there are municipalities with fewer than 1,000 electors in the same counties as municipalities with very large populations. Even those with fewer than 2,500 electors skew the balance of representation in some cases. A detailed study is necessary into the impact of small municipalities on the county system, since representation and accountability problems cannot be entirely addressed without such a review.

The problem of separated municipalities was also raised in several submissions. There were fears that more separations from the county system could occur as more municipalities reach the size to qualify for city status (Ontario Municipal Board approval of erection to city status automatically means separation from the county system). When a municipality separates from the county, the county system not only loses part of its resource base, but also the ability to provide services on a county-wide basis. Representation and accountability are similarly impaired as area-wide services must then be provided by joint committees or special purpose bodies. The Committee recommends that separated municipalities also be the subject of further study and

believes that they should be encouraged to rejoin the county system and that no further separations should be allowed.

Subsection 11(3) of the Municipal Act provides for Ontario Municipal Board (OMB) consideration of erection to town status of villages or townships with a population of not less than 2,000. Subsection 11(4) provides for erection of a village or town having a population of not less than 15,000 to city status; or of a township having a population of not less than 25,000 to city status. Some townships are close to, or well over, the 15,000 population level required for city status by the Municipal Act, although they would have to be granted town status before applying for city status if their populations were between 15,000 and 25,000.[10]

Given the number of municipalities that could qualify now, or in the next decade, for city status, the Committee believes that consideration should be given to providing incentives for larger municipalities to stay in the county system, and that disincentives be eliminated.

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[10] For example, Sarnia Township in Lambton County, which becomes the Town of Clearwater on January 1, 1988, has a population of about 24,000. Kingston Township in Frontenac County has a population of about 30,000, and there are nine other municipalities with populations between 13,000 and 15,500. (Population figures as of the 1985 provincial enumeration.)

In addition, the Committee considers there is a need to review the population requirements for change of status. For example, there is no reason why a township should have to have a population of 25,000 before becoming a city if a town can do so at 15,000. Perhaps 25,000 would be a more reasonable requirement for both. And 2,000 population for town status seems to be rather low, by present day standards, as do the population requirements in section 10 for incorporation. This area needs further study and could be combined with a consideration of small municipalities as mentioned above, and with eliminating provisions for separating municipalities from their county systems.

Consideration might also be given to requirements for the composition of town councils, which now seem unduly large -- at seven or nine members -- for their populations.

Recommendation

THE COMMITTEE RECOMMENDS THAT:

1. THE MINISTER CONDUCT A REVIEW OF VERY SMALL MUNICIPALITIES AND SEPARATED MUNICIPALITIES.

Following is a brief description of each representation issue and the Committee's recommendations.

1. TOWN MAYORS

Background

The Municipal Act specifies that only reeves and deputy reeves may sit on county council. In the case of towns, this means that the head of council, the mayor, is the only municipal head that does not participate at the county level. The town's reeve, and in some cases the deputy reeve, fulfills the role of local municipal representation on county council.

There are 68 towns within county governments across the province. Only three counties have no towns -- Frontenac, Haliburton and Peterborough. Essex and Simcoe Counties have the greatest number, with seven towns each.

Concerns

The exclusion of town mayors has been controversial. The fact that mayors do not serve on county council is inconsistent with the focus of responsibility on heads of councils in other types of municipalities, and with the importance of county government. It confuses accountability.

Those who favour excluding town mayors cite the heavy workload of an urban head of council and say that the mayor needs to focus on local issues, leaving county issues as the responsibility of the reeve. An analysis of county towns,

however, indicates that fewer than half are among the five largest municipalities in their counties in terms of population, or that 56 out of 68 are not the largest municipalities in their counties. 82 per cent of towns are smaller than at least one township in their county.

Data on frequency of county meetings indicate that most counties have only one council meeting and from three to five committee meetings per month. On the other hand, as one council member commented to the Committee, "one urban constituent causes me more work than 10 rural residents". An urban community may place greater demands on local government representatives both in terms of expectations for services and for social engagements. The fear is that adding county duties to town responsibilities would deter many good candidates from running for the mayoralty.

Alternatives and Suggestions

The Association of Municipalities of Ontario (AMO) has supported inclusion of town mayors on county council. However, the executive of the Small Urban section of AMO has opposed this. Submissions and presentations indicate that opinion is split, both among municipalities generally and among towns themselves.

An alternative suggested by a mayors' committee and one county, would allow the mayor to choose whether to sit on county

council or to decline, and have council appoint another council member to fulfill this responsibility.

Conclusions

The Committee strongly supports the principle that all heads of local councils should sit on county council, in recognition of the county's important role in area-wide decision-making and coordination. The Committee feels that the participation of heads of council is necessary for effective communication between the county and local councils, and that some of the problems that arise between counties and their towns could be avoided if town mayors were county council members.

The suggestion that mayors be allowed to choose whether to sit on county council was seriously considered by the Committee. There was one major problem -- how would voters know at election time who would be representing them at county council? Even if mayoralty candidates were required to declare their intentions at nomination, county council representation would not be known until the election results were in, and not even then if council had to appoint a county representative in place of the mayor after the election. There would be even more confusion in towns entitled to two county council representatives. Because of these serious implications for political accountability, and for voter confusion, the Committee rejected the permissive option.

While the Committee sympathizes with the concerns of the Small Urban Section of AMO and the mayors who described their current workloads, it believes that towns should review demands on the mayor's office and consider remuneration adequate to reflect the workload. Other alternatives to ease the mayor's workload could include delegation of some of the mayor's local municipal responsibilities to other council members, and the possibility of appointing citizen members to assist with some functions.

If the mayor becomes the town's county council representative, then the positions of reeve and deputy reeve become redundant or confusing, since the titles pertain only to county council representation. They should, therefore, be abolished, with provision for a second county council representative as recommended below. The choice of title is explained in the following section.

Recommendations

THE COMMITTEE RECOMMENDS THAT:

2. THE MUNICIPAL ACT BE AMENDED TO SPECIFY THAT ALL HEADS OF COUNCIL BE MEMBERS OF COUNTY COUNCIL.

3. THE POSITIONS OF REEVE AND DEPUTY REEVE BE ABOLISHED IN TOWNS, AND THAT WHERE A TOWN IS ENTITLED TO AN ADDITIONAL COUNTY COUNCIL REPRESENTATIVE, THE POSITION BE ENTITLED "LOCAL/COUNTY COUNCILLOR".

2. TITLES

Background and Concerns

The titles of reeve, deputy reeve, warden, and mayor have ancient origins and meanings that in some cases are not well understood today. During the consultation meetings, reeves frequently told of their constituents' misunderstanding of the title and position, especially with so many formerly urban residents living in rural areas. Wardens complained that the public thought they enforced hunting laws or ran a penitentiary. On the other hand, the titles may have historical significance for some people.

At the consultation meetings, the Committee was surprised at the almost unanimous degree of acceptance for changing the titles. Comments ranged from "we wouldn't object" to "it would be a great step forward in educating the public about municipal government". There seemed to be very little sentimental attachment to the traditional titles.

Changing the title of "reeve" to "mayor" raises the question of the title and role of the deputy reeve. There seemed to be little opposition to abolishing the title and widespread acknowledgement of the fact that the only statutory significance of the deputy reeve position is the potential entitlement to a seat on county council. There was little

opposition to a suggestion that municipalities qualifying for a second county council member adopt the title "local/county councillor" for deputy reeve, in municipalities that qualify for a second county council member. Municipalities that do not qualify for a second county councillor, or those with "reeves only" on county council, would have an additional councillor on local council, instead of a deputy reeve. The title, "local/county councillor", would clarify the significance of the position during elections, and would increase accountability by providing greater public understanding and consistency of titles across the province.

Conclusion

The Committee feels that title changes would significantly improve public understanding of the duties and responsibilities of heads of councils and of county council members.

Recommendations

THE COMMITTEE RECOMMENDS THAT:

4. THE MUNICIPAL ACT BE AMENDED TO CHANGE TITLES AS FOLLOWS:

A) ALL HEADS OF LOCAL MUNICIPAL COUNCILS HAVE THE TITLE OF MAYOR;

B) THE TITLES OF REEVE AND DEPUTY REEVE BE ELIMINATED FROM THE ACT; AND WHERE THE MUNICIPALITY QUALIFIES FOR AN ADDITIONAL COUNTY COUNCIL MEMBER, THAT POSITION HAVE THE TITLE OF LOCAL/COUNTY COUNCILLOR;

C) THE HEAD OF COUNTY COUNCIL HAVE THE TITLE OF COUNTY CHAIRMAN.

3. ELECTION AND TERM OF WARDEN

Background

The warden is the head of county council and the chief executive officer of the corporation. The warden is elected each year during the early part of December by the members of county council from among themselves. The warden is the only head of council to have a one-year term, and the only head of council to have a term different from that of council. (All councils, and all other heads of council, have three-year terms.)

The position of warden has been part of the local government system in Ontario since the inception of counties as a level of government. The functions and duties of the warden have not changed significantly since 1849. As with other heads of council, the warden chairs the council meetings and acts as chief executive officer. Non-statutory responsibilities involve an administrative/management role and political leadership.

Concerns and Suggestions

A tradition exists for wardens to serve only one year and not to repeat their term of office. The position carries a heavy schedule of meetings and social engagements, so that many wardens consider it a "full-time" job. The remuneration, however, is generally not what would be expected for a "full-time" politician.

The one-year term has been criticized as being too short for effective leadership or continuity. Critics argue that the increasing range and difficulty of county issues, and the increasing sophistication of county organizations should be acknowledged by a longer term and greater role for the warden. A three-year term with remuneration appropriate to a full-time job has been suggested. Those who favour the one-year term, however, argue that fewer county council members would be willing to leave their usual employment to run for the office of warden should the term be lengthened, even if the remuneration were increased.

Concerns about the election procedures for warden have also been raised. The Committee is satisfied that these have been addressed in an amendment to the Municipal Act introduced in Bill 97 in the spring, 1987, session of the Legislature, which would allow the election of warden by secret ballot and with one vote per member, provided that the procedure is set out in the county's procedure by-law.

Conclusion

The Committee feels that greater consideration should be given to a longer term for warden, or to encouraging county councils to consider re-electing the head of county council to additional terms.

Recommendations

THE COMMITTEE RECOMMENDS THAT:

5. PROVISIONS PERMITTING ELECTION OF THE HEAD OF COUNTY COUNCIL BY SECRET BALLOT, AS INCLUDED IN BILL 97 IN THE SPRING, 1987 SESSION OF THE LEGISLATURE, BE REINTRODUCED AS SOON AS POSSIBLE.

6. THE MUNICIPAL ACT BE AMENDED TO CLEARLY STATE THAT A HEAD OF COUNTY COUNCIL CAN BE RE-ELECTED TO ADDITIONAL TERMS.

7. THE MUNICIPAL ACT BE AMENDED TO ALLOW COUNTY COUNCILS TO ADOPT, BY BY-LAW, A ONE-YEAR, TWO-YEAR OR THREE-YEAR TERM FOR THE HEAD OF COUNTY COUNCIL, PROVIDED THAT THE TERM DOES NOT GO BEYOND THE TERM OF COUNCIL.

4. SUBSTITUTION

Background

The Municipal Act does not explicitly deal with substitution of members of county council. Sections 72 and 75 do permit townships and villages to appoint a substitute for the head of council if the member is temporarily unable to fulfill the duties of head of council or participate on boards, commissions and other bodies. There is a body of opinion that suggests that a substitute for the head of council may attend county council under the "or other body" provisions of Section 75. This substitution is subject to the passage of a by-law with the consent of the head of council. There is no authority to substitute deputy reeves at county council. Towns, because they are not represented by the head of council, are clearly not permitted any substitution at county council.

Concerns

The absence of a county council member may have significant consequences for decision-making on important issues, particularly in those instances where the member exercises multiple voting rights. On the other hand, comments received about substitution almost unanimously warned about the potential for a different person to attend each county council meeting without the benefit of knowledge and experience that only regular attendance can provide. Many submissions said that members of county council know when they run for local office that the county will be part of their responsibilities, and that if they cannot afford the time, they should not seek an office that involves membership on county council.

Alternatives and Suggestions

The Committee considered a range of alternatives, from making no changes to allowing the local municipality or county to formulate a policy on substitution. One suggestion was to allow substitution only in cases of long-term illness or absence, with strict guidelines. This would address the adverse impact of a possible long-term loss of representation on county council while avoiding the pitfalls of frequent substitution. Discussion of appropriate guidelines, however, raised more problems than it solved.

Conclusions

The Committee shares the general bias against substitution, and agrees with the philosophy that elected representatives have an obligation to attend all meetings. While concern is understandable about situations where a local municipality can find itself without representation on county council for extended periods of time, these appear to be rare occurrences.

Other levels of government do not permit substitution of elected representatives, and most municipal representatives seem to feel that they would relinquish office, so that they could be replaced, if they were unable to fulfill their responsibilities for an extended period of time.

Recommendation

THE COMMITTEE RECOMMENDS THAT:

8. THE MUNICIPAL ACT BE AMENDED TO CLEARLY PROHIBIT SUBSTITUTION ON COUNTY COUNCIL.

5. COUNCIL COMPOSITION

Background

Current provisions in the Municipal Act allow counties the choice of three options for council composition and representation. Section 27 automatically applies unless one of the other two options are adopted by by-law.

Section 27 provides for all reeves and deputy reeves of towns, villages and townships to sit on county council. The reeve of a municipality with 2,000 to 3,000 electors has two votes, and if there are more than 3,000 electors the deputy reeve also has two votes. (Note: a municipality must have at least 1,000 electors to have a deputy reeve under Section 36 dealing with composition of local municipal councils.)

Section 28 provides an option for all reeves and those deputy reeves from municipalities with 2,500 electors or more to sit on county council. The reeve of a municipality with 5,000 to 7,500 electors has two votes, and if there are more than 7,500 electors the deputy reeve also has two votes. (This option reduces the number of deputy reeves on county council and also the number of county representatives with more than one vote.)

Section 29 provides an option for reeves only to sit on county council. The reeve of a municipality with 1,000 to 2,000 electors has two votes, three votes if there are 2,000 to 3,000 electors, and four votes if more than 3,000 electors. (This option further reduces the number of county councillors and uses a higher number of multiple votes to address representation by population.)

Ontario's 26 counties vary from Brant County, with the fewest number of member municipalities -- six -- to Renfrew County with 36. The average county has 19 member municipalities. Thirteen counties have councils with more than 30 members and of these, three have 40 or more. The average county has 28 council members. (See Table 1.)

Eleven counties have remained under Section 27. Seven have adopted Section 28 by by-law and Hastings County has equivalent provisions by special legislation. Four counties have adopted Section 29 by by-law and Bruce County has the equivalent of Section 29 by special legislation.

TABLE 1

COUNTY COUNCIL COMPOSITION

COUNTY	LEGIS AUTH	ELECTORS	LOWER TIER #	SIZE OF COUNCIL	VOTES
BRANT	28	20239	6	10	12
BRUCE	PR	63471	31	31	73
DUFFERIN	28	27978	9	13	15
ELGIN	27	32382	16	25	35
ESSEX	27	92048	21	42	74
FRONTENAC	27	55311	15	28	40
GREY	28	58141	26	35	36
HALIBURTON	28	35753	10	19	29
HASTINGS	PR	57299	27	32	35
HURON	28	49876	26	31	32
KENT	27	53072	21	36	53
LAMBTON	PR	59068	20	36	50
LANARK	27	40347	16	31	46
LEEDS & GRENVILLE	27	51777	22	40	59
LENNOX & ADDINGTON	27	30150	13	22	31
MIDDLESEX	28	48588	22	29	31
NORTHUMBERLAND	27	60186	15	29	49
PERTH	29	26609	14	14	34
PETERBOROUGH	27	57309	18	35	55
PRESCOTT & RUSSELL	29	46879	18	18	46
PRINCE EDWARD	27	21163	10	17	23
RENFREW	29	71249	36	36	82
SIMCOE	PR	172143	33	43	64
STORMONT DUNDAS GLENGARRY	27	47195	20	36	52
VICTORIA	28	58350	18	27	32
WELLINGTON	29	49769	21	21	56
total		1387889	504	736	1102
average (approx)		51400	19.4	28.3	42.4

(PR= private legislation)

Two other counties have special legislation governing council composition: Lambton County retained Section 27 but increased the number of multiple votes; and Simcoe County increased the qualification for a deputy reeve on county council to 7,500 electors as well as allocating additional votes.

Concerns

Concern has been expressed that as councils continue to grow in size, the ability to deal with issues is diminished and the role of committees becomes more important. Increasing council size also strains the financial and physical resources of counties. The 1972 Municipal Elections Act provisions for non-resident electors, and the lower voting age, resulted in a significant increase in the number of municipal electors. This in turn increased the number of municipalities which qualified to have a deputy reeve on county council. As a result, the population thresholds provided in the Municipal Act were considered to be too low, and alternatives were provided. These (sections 28 and 29) are now considered by many to be outdated. The thresholds also add to the problem of under-representation of larger municipalities, since there are no limits to the growth of municipalities, but there are limits to their voting power on county council.

Even with the opportunities for adding a second county council member and multiple votes, there are substantial inequities in the representation of the larger municipalities, which have for the most part not had voting power proportionate to their populations. The multiple-vote system has also been criticized as confusing; as causing block voting; and as creating resentment in smaller municipalities which consider themselves equal partners in a federation, but without an equal voice.

Alternatives and Suggestions

Given the three main goals -- federation, representation by population and manageable council size -- the most frequently suggested alternatives to improve the balance of representation on county councils involve legislative changes that would increase the minimum number of electors necessary for an additional representative to sit on county council, and increase the threshold and maximum number of multiple votes. Specific suggestions for change made in submissions ranged from 2,500 as the minimum number of electors, to 10,000.

Some submissions insisted that the increased minimum must be mandatory, otherwise county councils with many deputy reeves would not be able to obtain a majority vote to change the system. Others were equally adamant that any changes must be permissive.

Many municipalities feel their county system is working very well as it is and want no changes.

Still other submissions and presentations argued strongly that the size of county council was not important, but that a second municipal representative was crucial, and that deputy reeves of all member municipalities should be included. Those who held this view felt that two representatives were the minimum necessary for good representation, and that membership on county council provided important training for deputy reeves.

A number of submissions argued for direct election of county councillors from wards, with the county representatives also sitting on local councils. Another suggested that two or more very small municipalities could be combined as one ward for purposes of county council representation. A ward system is said to have the advantage of reflecting population levels more accurately. It would also eliminate one impediment -- the loss of county representation -- to the amalgamation of small municipalities.

The submissions indicated almost unanimous agreement on two counts. First, the principle of federation, with every local municipality having at least one representative on county council, was strongly endorsed, although a substantial minority

added that boundary adjustments were needed. Second, while multiple voting was generally not considered an ideal system, it was almost unanimously endorsed as the only viable method of accommodating population differences.

Conclusions

In the early 1970s, county council membership increased as a result of electoral and voting age changes. Sections 28 and 29 were added to the Municipal Act to provide options for municipalities to increase the qualification level and so reduce the numbers on county council. As was pointed out in many submissions, however, some counties find it difficult to obtain the required majority vote to adopt section 28 or 29, since few deputy reeves are willing to vote themselves out of a county council seat, and reeves are often unwilling to vote their municipalities out of a second member.

The inequities of voting power are a source of increasing frustration for those municipalities which have experienced significant growth. This frustration can lead to a request for a change of status to a city which would automatically remove the municipality from the county system. Improving the balance of voting power would encourage larger townships to remain in the county system.

The Committee was also concerned about the very large size of some county councils and identified a need to reduce them. Of the 26 counties, 17 have between 27 and 43 council members. Counties with large councils tend to have more committees, and to rely more on the committee system. As a result, councillors tend to become knowledgeable about only those issues with which they deal in committees. In addition, if every council member is to have the opportunity to speak to an agenda item, the process of decision-making can become very time consuming.

With all these factors in mind, raising the qualification for a second county representative to 2,500 electors from 1,000 would help to return county councils to their pre-1970s size. Further options could be provided by allowing a council to adopt a higher qualification level. A county could adopt 5,000 electors as the minimum required for a second county council member, or 7,500, or 10,000. The Committee believes this option would provide sufficient flexibility to accommodate the diversity of county size and structure, while reducing the size of the largest county councils. Provision for multiple votes should also be made more flexible. Provision for additional county council representatives (more than two) could also be an option where it would not unduly increase the size of county council, and would provide an alternative to unlimited multiple votes.

Recommendation

THE COMMITTEE RECOMMENDS THAT THE MUNICIPAL ACT BE AMENDED TO PROVIDE FOR COUNTY COUNCIL COMPOSITION AND REPRESENTATION AS FOLLOWS:

9. COUNTY COUNCIL WILL BE COMPOSED OF THE HEADS OF COUNCIL OF ALL LOCAL MUNICIPALITIES, NOT BEING SEPARATED MUNICIPALITIES, OF THE COUNTY, AND;

A) A LOCAL MUNICIPALITY MUST HAVE AT LEAST 2,500 ELECTORS FOR ENTITLEMENT TO A SECOND COUNTY COUNCILLOR OR A SECOND VOTE, AND WILL USE MULTIPLES OF 2,500 TO DETERMINE ENTITLEMENT TO ADDITIONAL COUNTY COUNCIL REPRESENTATIVES AND/OR ADDITIONAL VOTES.

10. NOTWITHSTANDING 9(A), COUNTY COUNCIL MAY ADOPT 5,000 ELECTORS, OR 7,500 ELECTORS, OR 10,000 ELECTORS AS THE BASE FOR ENTITLEMENT TO A SECOND COUNTY COUNCIL REPRESENTATIVE OR A SECOND VOTE; AND WILL USE MULTIPLES OF THE BASE NUMBER OF ELECTORS TO DETERMINE ENTITLEMENT TO ADDITIONAL COUNTY COUNCIL REPRESENTATIVES AND/OR ADDITIONAL VOTES.

11. ANY CHANGES TO THE REPRESENTATION SYSTEM MUST BE MADE BEFORE JUNE 1 IN AN ELECTION YEAR.

The Committee believes that these recommendations provide the flexibility for counties to adopt a formula that will best suit their circumstances to give the most equitable representation and voting power on county council. At the same time, raising the minimum threshold from 1,000 to 2,500 electors for a second council representative, or vote reconciles county council size with the concept of federation. The higher threshold, together with provision for any combination of votes and additional representatives, provide counties with the tools

to more equitably distribute voting power, particularly in the case of the larger municipalities.

The counties primarily affected by this change would be the 11 which are currently organized under section 27 of the Municipal Act.[11] If the councils in these counties choose to give municipalities with more than 2,500 electors a second representative rather than an additional vote, municipalities with an electoral base between 1,000 and 2,500 would lose their second representative on county council. The number of second county representatives (deputy reeves) in those counties would decrease from 198 to 134, therefore eliminating 64 positions. Since there is no limit on the number of councillors each municipality may have, six municipalities would then be entitled to a third county representative. The average council size would likewise be reduced from 28 to 26 members.

Alternatively, a county could choose to give councillors an extra vote when the 2,500 threshold is reached rather than adding a second representative. A second representative would then be allocated to municipalities with 5,000 electors. In these 11 counties the number of deputy reeves would therefore be further

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[11]For the purposes of this discussion, it is assumed that those counties currently organized under section 29 (Reeves only) or under special legislation would retain their present composition. Data on number of electors is from the 1985 provincial enumeration.

decreased to 36, meaning a loss of 162 representatives.[12] Again, six municipalities would gain a third councillor under this system. The average size of council would be reduced considerably to 19 members.

While this formula would have the effect of streamlining the council size of many counties, it also addresses the problem of disproportionate representation on council. Some larger municipalities, which currently have a much greater percentage of the county electorate than they do of the county vote, would have voting power increased under the new system. For example, Kingston Township in Frontenac, which has over 39 per cent of county electors, presently controls only 10 per cent of the total vote on council. If the threshold were raised to 2,500 electors, it would receive 30 per cent of the county vote.

Those counties organized under section 29 (heads of council only) could retain this system. The recommendation is flexible enough to allow counties with special legislation to adopt virtually the same systems they now use.

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[12] The total number of second county representatives (deputy reeves) in all counties would be further reduced if those organized under section 28 adopted the same system and reduced the number of second representatives on council.

IV. FUNCTIONS/SERVICES

1. COUNTY POWERS

Introduction

Existing legislation allows counties to provide many services. However, counties use few of the powers available to them. The results of a survey conducted by the Committee in June indicate that:

- the only services which all counties provide are homes for the aged (mandatory to counties); road systems (although in six counties the county road system does not involve all local municipalities); and weed inspection (mandatory to counties).

- the majority of the 26 counties are involved in:

general welfare[13]	22 counties
reforestation	19
museums	16
libraries	15
planning advisory services	14
promotion of economic development	14

- counties have authority to provide the following services, but none does: policing, public utilities, parking, sewer and water services, transit.

- counties have authority to provide the following services but only three or four do so: building inspection, airports, parks.

There are only a few legislative provisions which provide powers specific to counties. These include:

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[13]Leeds and Grenville County Council has recently voted to begin administering welfare on a county basis, effective April 1988. This will bring to 23 the number of counties administering general welfare services.

- the granting of aid to owners of cattle, horses, goats, sheep or swine for losses caused by rabies (M.A., s. 225, para.1),
- the acquisition of land for a county farm (M.A., s. 225, para.3),
- the granting of monies to Agricultural Representatives (Agricultural Representatives Act),
- the establishment of aerial spraying programs to control infestations of gypsy moths (M.A., s. 225a),
- the restriction and regulation of the destruction of trees (Trees Act, s. 4),
- the support of mentally ill, mentally defective or epileptic destitute persons who cannot be admitted to an institution within the meaning of the Mental Hospitals Act. (M.A., s. 237),
- the appointment of members to the board of health of a health unit (Health Protection and Promotion Act, 1983, s. 71), and
- the appointment of members to the Children's Aid Society. (Child and Family Services Act, 1984, s. 18).

Concerns

Unlike representation issues, no immediately apparent principles can be identified that have served to guide counties in determining their role in providing municipal services. This factor, and the historical reluctance of counties to take on new functions, may help to explain why there are so few legislative powers specific to counties, and why, in practice, counties have taken on relatively few responsibilities. Certain services are deemed to be "municipal", with no guidelines to determine whether they should be provided by local municipalities or by the county.

Since the legislation provides no authority for counties to provide certain services that local municipalities can now provide, the Municipal Act or other relevant legislation must be changed (or a Private Bill enacted) if the county is to take over such a service. Concerns have been raised that this, in itself, tends to result in the use of joint boards and committees as well as intermunicipal agreements.

When a new service is proposed for the county level, questions also arise whether one or more municipalities should be able to "opt out", or if all must be included to maximize service delivery; or whether a service agreement mechanism should be used.

The Committee found that the ambiguity over which "municipal" services are to be county services tends to foster uneasiness among some local leaders about the Province's expectations for this level of municipal government. There were also concerns that some of the specific powers provided to counties seem to be no longer relevant, and whether some provisions have not been rendered obsolete by more recent legislation.

The question of county powers is also complicated by concerns about representation. Where there are inequities in

voting power on county council, municipalities are more reluctant to have additional functions placed at the county level. In Quebec, a study of upper-tier municipalities outside metropolitan areas, found that those which had taken on the largest number of functions tended to have fewer representational inequities than those with minimal responsibilities.

The Committee, of course, also heard through the consultation process about specific servicing problems municipalities are experiencing. The need for expensive facilities, equipment or staff was a concern expressed about a number of services, including waste management, emergency services and recreation. The difficulty of ensuring impartiality in inspection services, by-law enforcement, welfare administration and planning (especially the land severance function) was also noted by local municipalities. Liability in building inspection services, and wasteful parochial competition in economic development are other examples of service delivery concerns raised by presenters.

Considerations

In its deliberations, the Committee discussed historical and other factors that influence the county role in various functions. For example, counties have undertaken certain services because the service is of a scope that extends beyond

the boundaries of more than one municipality and/or opportunities for economies of scale could be realized if it were provided at the county level. Examples here include arterial roads, homes for the aged, general welfare administration, land-use planning, and protection services such as licensing of auctioneers and weed inspection and, more recently, gypsy-moth control.

Concerns about the effect on the relationship between the county and the local municipalities could be considered a major factor in the reluctance of counties to take on functions, or to take on functions in the way that they have. Those municipalities that want or need a service, but cannot afford it on their own, may find, when proposing that the county provide it, that they are opposed by the largest municipalities, which may already be providing the service, or by the smallest municipalities, which neither want nor need the service.

A strong reason for deciding whether to deliver a service at the county level, or to deliver the service at all, is the consideration of which services can best respond to the public's needs and how the service can best be delivered to meet these needs.

The Committee also discussed the kinds of considerations that should be brought to bear on any decision for service delivery. These included responsiveness and accessibility to the public, accountability, coordination, efficiency, effective use of technology, economic growth, scale or scope of the service, environmental and other problems, tradition of joint services, and maintenance of strong local government.

Alternatives/Suggestions

The submissions and presentations to the Committee responded in varying degrees of detail to the basic question of which services were more appropriately delivered at the county level, and which were best delivered at the local municipal level. However, some submissions argued that there is no need for a county level of government at all.

Just as the number and type of services currently delivered by counties vary extensively, so did the submissions. They ranged from recommendations for an extensive new array of county powers to strong opposition to any additional county functions on the basis that strengthening the county would weaken local municipal authority. Some respondents emphasized the value of "grass-roots" democracy. One presenter, for example, said that his municipality preferred to provide certain services on its

own, even at greater cost and lower efficiency, rather than give up local control to the county.

A number of alternatives were raised by the submissions and presentations. The two polar views that emerged were:

1. Legislate that all counties be given mandatory and exclusive responsibility for a specified number of "core" functions; this could include responsibility for such services as social services, libraries, county roads, and planning, or;

2. Legislate that all counties be allowed to assume, on a permissive basis, any local municipal function the county does not currently perform, provided there is substantial support on county council; county functions could also devolve to the local municipality level, again provided that there is substantial support.

Each position, of course, has a number of advantages and disadvantages. The first position has the advantage of clarifying the county role in municipal government. This, in turn, would serve to clarify and protect the local municipal role and make the division of responsibilities easier for municipal and provincial officials and the public to understand. Legislating specific "core" functions for counties might attract certain qualified staff to counties that would enhance the overall management capacity of each county.

There are also a number of apparent disadvantages. A mandatory list may not recognize the diversity among counties: what would be accountable, accessible and efficient delivery of

services at one level in one county may not make sense at the same level in another county. If a list of county functions were formulated, it would likely involve endless debate about what should, or should not, be included. A legislated list of mandatory county functions would not provide flexibility for timely action on new issues that may arise in the future.

If there were a large number of functions at the county level, then the power of some local municipalities could be unnecessarily eroded. A mandatory list with only a small number of functions at the county level, could increase the tendency to establish special purpose bodies to deal with functions not on the list.

At the other end of the spectrum is the view that counties should be permitted to assume any local municipal function where there is substantial support at county council. The disadvantage of this permissive option is that it may allow the county to determine the role of the local municipality; the local municipality has no assurance that its role will be protected. There may also be increased confusion about who delivers what service, since the arrangements could vary from county to county. Local political debate could be focussed on which level of local government should provide a function rather than on what the service should include to best meet the needs of the residents.

On the other hand, a permissive option for functions would have the advantage of permitting counties to respond to the needs of their local municipalities in a timely manner. The "substantial support" feature of this option means there are a couple of other significant advantages. First, in the process of obtaining substantial support, other alternatives for the delivery of the service may be identified and investigated. Second, the substantial support requirement may mean sustained local commitment to the county role in the service. Above all, each county and its constituent municipalities would be able to decide the jurisdiction of municipal services in the way that best suits their circumstances.

Conclusion

It is the Committee's view that the most effective direction for counties is one built on the strengths of both of these proposals. That is, counties should perform certain "core" functions and, at the same time, be provided with permissive authority to assume any local municipal function, provided there is substantial support on county council for assumption of the service.

The core county functions should include county road systems, homes for the aged and administration of general welfare

assistance. This would confirm in legislation what has generally been accepted and is working in practice.

Administration of general welfare assistance, the one suggested core service that is not currently provided by all counties, has been effective as a county service. The Committee's suggestion reflects the views of the Minister of Community and Social Services, who strongly recommended in a letter to the Committee that the administration of general welfare assistance be provided at the county level in all counties. No other Minister (or Ministry) advocated in such forceful terms the need for a county role in a service.

The Committee is also mindful of comments received from those local municipalities that still administer welfare. These municipalities expressed frustration at delivering a service that is clearly linked to other social services which they do not administer. Public expectations increasingly highlight the inappropriateness of having local municipalities administer this service instead of the county. One of these municipalities illustrated the problem well when it commented "The client needs more than a cheque, which is all that many of the [local] municipalities can provide".

The Committee has also concluded that, in addition to "core" function responsibilities, counties should have permissive authority to assume, by a substantial vote of county council, any local municipal function. This would permit each county council to weigh the considerations identified earlier when deciding which level is most appropriate for delivery of services such as emergency planning, economic development, building code enforcement, child care and senior services.

The Committee feels strongly that these considerations are best evaluated not by the Province, but by individual county councils. As noted earlier, what would be accountable, accessible and efficient delivery of service at one level in one county may not make sense at the same level in another county.

Municipal Consent

When the Committee was discussing the permissive options, a related issue arose, regarding the appropriate level of local municipal consent for the county to assume responsibility for a service. Suggestions heard during the presentations ranged from a simple majority vote to a unanimous vote at county council.

Several people suggested that local municipal councils as well as county council should have to approve any new county function. The Committee felt that requiring local municipal

approval of county powers would, in effect, allow local municipalities to make decisions for the county. The Committee recognizes the argument noted earlier that permissive authority for the county may allow the county to determine the role of the local municipality. However, the Committee considers it more important that the level of government which will be responsible for delivering a service, should be the level that decides whether it will take on that responsibility.

In addition, the county is a federation of municipalities, and county council is composed of members of local councils. In this sense, it is the members of local councils who also serve on county council who make the decisions. It would also be difficult to develop a mechanism for local municipal approval that would avoid the problem of "patch-work" service delivery, i.e. where the county had to provide a service to some, but not all (or even most), local municipalities. This problem is described in more detail in the section below on opting out.

Although a simple majority vote of council is the usual democratic benchmark, the Committee felt that a stronger consensus would be needed for the successful and harmonious establishment of a new county service. With that in mind, it was decided to recommend that a two-thirds vote be required with the proviso that the vote must represent a majority of the local

municipalities. Requiring this level of support will ensure that the advantages and disadvantages of delivering a service at the local and county levels are thoroughly reviewed, and that a substantial commitment will be obtained for the decision.

Opting Out

A second related issue considered by the Committee was whether, once a county council has approved a new discretionary county function, any municipality should be allowed to opt out of the service, and not be levied for a share of the costs.

The advantage of prohibiting opting out is that it avoids the "free-rider" problem, that is, where only a few municipalities pay the start-up costs, and others opt in later. In addition, prohibiting opting out would ensure a stable assessment base and service-delivery area, and it would leave less uncertainty about the county's role as a policy-making body responsible for a particular service.

If no provision for opting out were provided, however, problems could be created. For example, some very small municipalities may not need, want, or be able to afford, the service. At the other extreme, a large municipality may already be providing the service, and may want to continue on its own.

Again, the Committee felt that flexibility was needed in situations where both the county and a local municipality agreed that it should be allowed to opt out. The Committee concluded that opting out should be allowed only if approved by a two-thirds vote representing a majority of the local municipalities. If substantial support is desirable for county assumption of a function, then the same level of consent should be required for a municipality to opt out of the service.

Recommendations

THE COMMITTEE RECOMMENDS THAT:

12. COUNTIES BE REQUIRED, AND NO LOCAL MUNICIPALITY IN A COUNTY BE PERMITTED, TO PROVIDE HOMES FOR THE AGED, ADMINISTER GENERAL WELFARE ASSISTANCE AND OPERATE A COUNTY ROAD SYSTEM.[14]

13. COUNTIES BE PROVIDED WITH PERMISSIVE AUTHORITY TO ASSUME ANY LOCAL MUNICIPAL FUNCTION THE COUNTY DOES NOT CURRENTLY PERFORM, OR DISCONTINUE PROVIDING A DISCRETIONARY SERVICE THEY DO PERFORM, WHERE THERE IS A TWO-THIRDS VOTE OF COUNTY COUNCIL REPRESENTING A MAJORITY OF THE LOCAL MUNICIPALITIES; AND THAT

(A) IF COUNTY COUNCIL APPROVES ASSUMPTION OF RESPONSIBILITY FOR A SERVICE, THAT ALL LOCAL MUNICIPALITIES SHALL PAY THEIR SHARE OF THE COUNTY LEVY FOR THAT SERVICE.

(B) NOTWITHSTANDING 13(A), ONE OR MORE LOCAL MUNICIPALITIES MAY BE EXEMPTED FROM THE COUNTY'S JURISDICTION AND LEVY FOR THE SERVICE IF THERE IS A TWO-THIRDS VOTE OF THE COUNTY COUNCIL REPRESENTING A MAJORITY OF THE LOCAL MUNICIPALITIES.

14. THE MINISTER OF MUNICIPAL AFFAIRS REVIEW EXISTING LEGISLATIVE PROVISIONS THAT PROVIDE POWERS SPECIFIC TO COUNTIES, AND REPEAL THOSE WHICH ARE FOUND TO BE OBSOLETE.

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[14]All counties currently operate a county road system. However, in six counties not all municipalities have roads in the county road system, which could continue to be the case.

2. INTERMUNICIPAL AGREEMENTS

Introduction

Agreements between two or more municipalities provide a great deal of flexibility in the terms, conditions and area of service delivery, and are often an effective mechanism for providing certain services. However, they can also be time-consuming to negotiate, can foster dispute, and can create confusion about accountability.

Even with the Committee's recommendations on functions, intermunicipal agreements will still be required at both the local municipal and county levels. Agreements fill the gap between services provided exclusively by the county, and services provided exclusively by local municipalities. It has been argued that counties should not be shut out entirely from dealing with a problem or opportunity where substantial local support for a county role is not demonstrated. Where only a few local municipalities wish the county to provide a service and the county agrees, intermunicipal agreements can provide an effective vehicle.

Under existing legislation, counties do have some authority to enter into agreements. Section 121 of the Municipal Act

provides all municipal councils (including counties) with authority for:

> ". . . entering into and performing any agreement with any council for fulfilling, executing or completing, at their joint expense and for their joint benefit, any undertaking, work or project within the jurisdiction of the Council."

(Note that a county cannot enter into an agreement to provide a service which otherwise it does not have the authority to provide, for example, waste collection and disposal.) As well, paragraph 23 of section 208 of the Municipal Act provides all municipal councils with authority to allow any person, including a municipality, to use "any of the employees or mechanical equipment of the municipality and for fixing the terms, condition and charges therefor".

In addition, there are specific provisions in the Municipal Act and other statutes to allow all municipalities, including counties, to enter into agreements for such functions as:

- policing, roads, transit, sewers (M.A., para. 5 of s. 208);
- industrial and residential development promotion (M.A., para. 22 of s. 208);
- health centres, parks, recreation facilities and museums (M.A., para. 57 of s. 208);
- staff and equipment during an emergency (Emergency Plans Act, 1983, s. 3);
- ferries (Ferries Act, s. 4);
- planning services (Planning Act, 1983, ss. 8(2)); and
- non-profit housing (Housing Development Act, s. 13).

There are also provisions in other statutes that provide specific authority to counties to enter into agreements. These include:

- "The council of a county and one or more local municipalities in the county may enter into an agreement for the enforcement by the county of this Act in such local municipalities . . ." (Building Code Act, ss. 3(4));

- "The council of a county or of a regional, metropolitan or district municipality, on such terms and conditions as may be agreed upon with the council of a local municipality that for municipal purposes forms part of the county or that forms part of the regional, metropolitan or district municipality, as the case may be, may,

  (a) assume any authority, responsibility, duty or function of a planning nature that the local municipality has under this or any other Act; or

  (b) provide advice and assistance to the local municipality in respect of planning matters generally."

  (Planning Act, 1983, s. 15)

Concerns

As noted above, counties cannot enter into agreements respecting a function for which they have no legislative authority. There are more than 160 such functions in the Municipal Act alone. Section 210 of the Municipal Act lists the by-laws which may be passed by the councils of local (not county) municipalities. These functions range from animal regulation to waste management. It is unlikely that counties would want to become involved with the vast majority of these functions. But, from time to time, a county may wish to play a role in a particular function and finds that its only recourse is private legislation. In some cases, such as waste management, changing

circumstances create a demand for delivery of the service on a wider geographic basis.

Alternatives/Suggestions

It has been suggested that counties should be provided with authority to enter into agreements with any other municipality on any function where there is a majority vote of county council. This would fill the gap between exclusive county functions and exclusive local municipal functions. It would also allow experimentation with new functions on a scale smaller than that of the whole county; encourage service areas and administration that make sense in differing local circumstances; encourage efficiency; and permit services to be provided for very small municipalities with few resources.

The disadvantages of this suggestion include the uncertainty that would be created about the county's role as a policy-maker, and the public uncertainty of what level of government is responsible for the service. Agreements would not necessarily provide stable administration since their terms and conditions are subject to periodic renegotiation. The availability of an agreement option may also detract from serious consideration of county assumption of a service.

Conclusion

On balance, however, the Committee believes that the suggestion that counties be given authority to enter into agreements on any municipal function is consistent with the Committee's belief in municipal, not provincial, determination of the county and local municipal roles in delivery of services. Although there can be problems with intermunicipal agreements, the Committee considers them to be useful, practical and effective mechanisms for service delivery, particularly in the case of small municipalities which do not have the resources to provide services entirely on their own.

Recommendation

THE COMMITTEE RECOMMENDS THAT:

15. COUNTIES BE AUTHORIZED TO ENTER INTO AGREEMENTS WITH ANY OTHER MUNICIPALITY, OR LOCAL BOARD OR COMMISSION, ON ANY MUNICIPAL FUNCTION.

3. SPECIAL PURPOSE BODIES

Introduction

Services may be provided within a county directly by the county council, or they may be provided by a variety of semi-autonomous organizations known collectively as special purpose bodies (SPBs). In counties, many services must be provided by a special purpose body.

The terms, special purpose bodies, boards and commissions, can be used interchangeably. A local board is defined by the Municipal Affairs Act as:

> "a school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or parts thereof."

Special Purpose Bodies -- Committees of Council

Special purpose bodies are established to operate as separate entities under public or private legislation to carry out certain specific services. In contrast, council committees are established by the municipal council to advise council on any subject; council retains decision-making power. Many special purpose bodies, however, make decisions which in some cases require municipal funding, without the requirement for council approval.

Writing about the authority of municipalities to establish committees, Ian McFee Rogers, in the Law of Municipal Corporations, cites case law to make the following argument:

> "Although the Ontario Act (the Municipal Act) does not in express terms authorize a municipal council to appoint committees from its members and is silent as to what powers and duties may be assigned to them, it recognizes the existence of such bodies and authorizes payment of their members. Most other provinces expressly permit the

> appointment of committees of council. In any event, the right of a governing body to empower a committee to deal with matters of administrative detail is apparently inherent in it so long as it retains final control over the decisions of the committee."

The Committee believes that this authority to appoint council committees, including joint council committees, whose decisions are subject to council approval, should be used more widely by counties as an alternative to special purpose bodies, such as those described below.

Discretionary Special Purpose Bodies

For some functions there are legislative provisions which permit counties (as well as local municipalities) to choose whether they will directly manage a certain function, or establish a special purpose body to manage it. The functions where such a choice is possible include:

- Policing, parking, sewage systems, transit (Municipal Act, s.208, para. 3): no counties currently provide any of these services.

- Public utilities (Public Utilities Act, Sections 37 & 63): no counties currently provide these services.

- Airports (Municipal Act, s.208, para. 10): only two counties provide this service and both are members of the same airport commission.

- Recreation (Municipal Act, s.208, para. 57): only two counties provide this service -- Prince Edward and Simcoe. Simcoe's role does not involve ownership of facilities. Prince Edward owns an arena which is managed by a board of management. Note that the Community Recreation Centres Act definition of "municipality" does not include a county.

- Museums (same reference as above): the Committee's survey results indicate that all but three of the 12 counties involved in museum services administer their museum through a board of management. Eight of the 12 counties have separated municipalities, but only one has a joint board with its separated municipality -- Grey County and the City of Owen Sound. Two county museum boards have agreements with their separated municipalities -- Hastings County with Belleville and Simcoe County with Barrie.

- Parks: four counties are involved in park services but none uses a board for this purpose. If a municipality, including a county, wishes to establish a park or a park system under the Public Parks Act then it must entrust the management of the park to a Board of Park Management. However, the Municipal Act (s.208, para. 51) permits council to establish parks and to exercise all powers of the board of park management appointed under the Public Parks Act. Alternatively, the municipal council, under the same provision, may appoint members to a board of management for park systems. Yet another alternative is to establish parks under the same authority noted above for recreation and museums, section 208, paragraph 57 of the Municipal Act.

- planning: land division committee (Planning Act, s.s.53(4)). All but one of the 21 counties that are responsible for the consent-granting function have delegated their authority to a land division committee. Huron has delegated its authority to the Planning and Development Committee, a committee of council.

- planning: planning advisory committee (Planning Act, section 8). Only five of the 14 counties that provide planning services have apparently appointed a planning advisory committee.

The Committee believes that counties should have a choice of service delivery mechanisms, whether by direct administration or a form of special purpose body. Where special purpose bodies are used, however, there is a need for greater accountability and closer links with county council. Accountability requires better communication between the special purpose body and the county, and county council approval of budgets and borrowing.

Current provisions for membership on special purpose bodies create liaison problems -- counties should be free to select the combination of council members, citizen members, or both to best administer the service. Fragmentation of staff among many different organizations creates administrative duplication and means that some municipal employees receive different salary and benefits packages than others, which is not equitable. In addition, fragmentation impairs the effectiveness of progressive labour legislation such as that providing for pay equity.

Recommendations

THE COMMITTEE RECOMMENDS THAT:

16. EXISTING LEGISLATION RESPECTING DISCRETIONARY COUNTY SPECIAL PURPOSE BODIES BE AMENDED TO STRENGTHEN THE CONTROL OF COUNTY COUNCILS OVER THEIR SPECIAL PURPOSE BODIES BY:

A) ALLOWING COUNTY COUNCILS COMPLETE DISCRETION IN APPOINTING COUNCIL AND/OR CITIZEN MEMBERS TO SPECIAL PURPOSE BODIES, WITH TERMS OF OFFICE NOT TO EXCEED THE TERM OF COUNCIL;

B) REQUIRING COUNTY COUNCIL APPROVAL OF THE BUDGETS OF SPECIAL PURPOSE BODIES;

C) REQUIRING SPECIAL PURPOSE BODIES TO MAKE AN ANNUAL REPORT TO COUNTY COUNCIL, AND TO REPORT AT SUCH OTHER TIMES AS COUNCIL MAY REQUIRE;

D) REQUIRING COUNTY COUNCIL APPROVAL OF ALL BORROWING AND CAPITAL ASSET ACQUISITIONS OF SPECIAL PURPOSE BODIES;

E) REQUIRING THAT ALL STAFF OF SPECIAL PURPOSE BODIES BE EMPLOYEES OF THE COUNTY.

Mandatory Special Purpose Bodies

The Committee found a great deal of concern with those special purpose bodies which counties are **required** by law to establish. Presenters at the consultation meetings commented on the lack of flexibility for counties to decide how best to provide a service. This inflexibility was contrasted with the greater discretion provided to local municipal councils and restructured upper-tier councils in making decisions about how functions are to be managed.

Many municipalities complained that special purpose bodies do not have as much regard for efficiency, cost-effectiveness or the burden on local taxpayers because they do not have to worry about public opinion at election time. Some presenters argued that special purpose bodies add to the fragmentation of service delivery and increase public confusion about who is responsible for what. In addition, special purpose bodies may take positions or actions that directly contradict policy established by the municipal council.

Support for continued use of special purpose bodies came from only two presenters, both members of the public who did not represent a municipality. They argued that special purpose bodies are important because they provide citizen involvement, and in some cases, citizen counter-balance to the power of

municipal councils. It has also been argued that special purpose bodies can be more effective because they need focus only on the administrative and technical aspects of service delivery, while municipal councils have to consider a wide range of priorities.

Conclusions

Again, the Committee concludes that county councils should be able to choose whether to administer a service directly or by establishing a special purpose body. If a special purpose body is chosen, then county councils should have the right to establish the reporting and approval relationship, determine membership, and set the ground rules. County councillors are, in fact, entrusted by the electorate to manage the public's money and set local policy. If counties are not given this flexibility, the fragmentation occasioned by special purpose bodies will continue to erode their ability to fulfil their mandate.

It is within this context that the Committee has developed the following comments and recommendations on six mandatory special purpose bodies.

A. COUNTY ROAD COMMITTEE

The Public Transportation and Highway Improvement Act, section 45, requires each county council to appoint three or five

persons who are residents of the county, but who need not be members of county council, to manage the county road system. Subsection 46(2) further provides that "the county road superintendent shall, under the direction of the county road committee, administer and manage the county road system." The county road committee's decisions are not subject to council approval.

Only county councils, and not local councils or restructured upper-tier councils, are subject to specific legislative requirements for the organization and nature of a road committee. Notably, counties spend a larger share of their tax dollars on roads than on any other function, yet they are not empowered to directly manage this function.[15] This provision may have been established to take into account the need for decision-making power in the absence of county council meetings, which originally were held only four times a year. If so, this provision is obsolete as well as inequitable.

In practice, some county councils appoint their own committee of council to deal with road matters, and the formal county road committee has no real decision-making role and would

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[15] In 1985, the Counties of Frontenac, Haliburton and Leeds and Grenville spent upwards of 50% of their net expenditures (expenditures after grants) on roads.

not exist were it not required by legislation. The Association of Municipalities of Ontario four years ago petitioned the then Ministry of Transportation and Communications "to amend the legislation regulating the composition of county roads committees to permit all county councils solely to determine the qualifications and numbers of members of their county roads committees".

Recommendation

THE COMMITTEE RECOMMENDS THAT:

17. THE STATUTORY REQUIREMENT FOR A COUNTY ROAD SYSTEM TO BE MANAGED BY A COUNTY ROAD COMMITTEE BE REPEALED AND THAT COUNTIES BE PERMITTED TO ESTABLISH THE COMMITTEE SYSTEM THEY DEEM APPROPRIATE.

B. SUBURBAN ROADS COMMISSION

If a county wishes a separated municipality to contribute to the construction and maintenance of suburban roads in the county road system, then the county must ask the Province to establish a suburban roads commission (SRC).

In the case of a city with less than 50,000 residents, or a separated town, section 65 of the Public Transportation and Highway Improvement Act requires that a suburban roads commission be composed of one person appointed by the city, one person appointed by the county, and a third person chosen by the first two. In the case of a city with more than 50,000 residents, the

committee must be composed of two city appointees, two county appointees, and a fifth person chosen by the first four. Those appointed need not be council members, and often are not.

In practice, all but one of the 17 counties with a separated municipality have a suburban roads commission. The exception is Brant County, which replaced its suburban roads commission with a cost-sharing arrangement with the City of Brantford as part of a negotiated boundary change in 1980. This arrangement has proven to be successful. (Another exception is Northumberland, which is the only county without a separated municipality that has an SRC -- it is with the City of Trenton in Hastings County.)

During the consultation process, the Committee learned that the cities of London, Windsor and Barrie had written to the Ministry of Transportation urging the abolition of their suburban roads commissions. The cities argued that the "hinterland theory", on which SRCs are based, is no longer relevant. This theory proposes that an urban municipality is dependent upon its surrounding rural farm areas for the production of food and therefore should share, in part, the expense of providing and maintaining roads from the farms to the urban market.

Although the "hinterland" theory may no longer be relevant, the Committee believes that the notion of a separated

municipality contributing to its county suburban roads still has merit. For example, city dwellers use county roads to reach recreational areas, and city employers benefit from a road system that gets their employees, suppliers and customers to them from suburban areas in the county.

One township in Middlesex County suggested that the suburban roads commission should be eliminated and simply replaced with a direct grant from the urban municipality with the county directly responsible for all roads within the geographic limits of the county. Another Middlesex County township suggested the suburban roads commission be replaced by a joint committee of county council and city council.

It was also brought to the attention of the Committee that in at least one instance, a county and its separated city agreed to replace the SRC with a cost-sharing arrangement, but were denied approval by the Ministry of Transportation. The Committee was advised that the Ministry said it would only support legislative change if all municipalities agreed on a common course of action.

The Committee believes that provincial administrative concerns should not be more important than a system of local government responsive to local needs. The provincial interest

can be adequately protected through the provincial conditional grants for suburban roads, and if the county and the separated town or city are required to agree on the method of managing the road system.

Recommendation

THE COMMITTEE RECOMMENDS THAT:

18. COUNTY COUNCILS BE GIVEN AUTHORITY TO:

A) DISSOLVE A SUBURBAN ROADS COMMISSION WHERE THE SEPARATED MUNICIPALITY AND THE COUNTY AGREE TO THE DISSOLUTION, AND;

B) ASSUME THE RESPONSIBILITIES OF THE SUBURBAN ROADS COMMISSION, WITH A COST-SHARING AGREEMENT TO BE DETERMINED BY THE COUNTY AND THE SEPARATED MUNICIPALITY.

C. HOMES FOR THE AGED

Section 8 of the Homes for the Aged and Rest Homes Act provides that:

> "The council of a municipality establishing and maintaining a home or the councils of the municipalities establishing a joint home, shall appoint from among the members of the council or councils, as the case may be, a committee of management for the home or joint home."

The composition of the committee is prescribed by a regulation which requires that the membership include at least three and not more than five members of the county council and, in the case of a joint home, no more than three members of council of each of the participating municipalities.

In practice, 12 of the 17 counties with separated municipalities operate joint homes for the aged with their separated municipalities. The five that do not are Frontenac, Middlesex, Kent, Elgin and Wellington.

The Committee believes that greater flexibility in determining the composition of the committee of management is desirable. This would permit county councils to better coordinate this service with other social services by, for example, placing the homes for the aged with a social services committee.

The Committee is also concerned about the lack of common standards and inspection services for private rest homes, and hopes that the Provincial-Municipal Social Services Review Committee will consider these issues.

Recommendation

THE COMMITTEE RECOMMENDS THAT:

19. COUNTIES BE AUTHORIZED TO ASSUME RESPONSIBILITY FOR MANAGING COUNTY HOMES FOR THE AGED, EXCEPT FOR JOINT HOMES, AND THAT JOINT HOME COMMITTEES OF MANAGEMENT BE DISSOLVED WHERE THE COUNTY AND SEPARATED MUNICIPALITY AGREE, AND BE REPLACED WITH A JOINT COMMITTEE COMPOSED OF MEMBERS OF THE COUNCILS OF THE COUNTY AND SEPARATED MUNICIPALITY.

D. LIBRARY BOARDS

The Public Libraries Act, 1984, subsection 7(7) requires a county library to be under the management and control of a library board. The Act further provides that the county library board shall be composed of at least seven and not more than 15 members appointed by the county council (subsection 9(5)), and that the county council shall not appoint more of its own members than the number which would constitute a bare majority of the board. (Clause 10(2)(b))

In practice, 13 of the 15 counties that provide library services have a library board. This includes Simcoe County, which has the only cooperative library system. The County of Lennox and Addington and the County of Elgin have private legislation permitting the county councils to provide the service directly. Huron County applied for similar legislation earlier in 1987, and although the bill did not proceed to third reading, the County apparently intends to reapply. As well, the County of Bruce has suggested to the Advisory Committee that public legislation be altered to enable county councils to assume direct responsibility for libraries. Interestingly, the Regional Municipality of Waterloo Act contains the following provision: "The Regional Council shall for the purposes of the Public Libraries Act be deemed to be a board of a county library." (Subsection 163(4)).

A submission from an individual involved in library work suggested that library board members should be directly elected rather than appointed. Another presenter argued that "county councils should not be encouraged to believe that, with the advantages of public money and government positions, they can change, for instance, an entire library system (or be exempt from the legislative measures) just for the asking".

The Committee also consulted with the then Ministry of Citizenship and Culture, the ministry responsible for the Public Libraries Act. (The responsibility for this Act now rests with the new Ministry of Culture and Communications). Ministry representatives indicated that they support the concept of library boards. However, if a municipality believes that service delivery will be improved by a committee of council, then precedents have been set (as noted above) to use a Private Bill to deem a committee of council to be the board.

Library board trustees, and those in favour of library boards, fear that county councils would place a higher priority on other services than libraries when allocating funding each year. They also are concerned that the involvement of interested and committed citizens who currently act as trustees would end.

Municipalities argue that library services have traditionally been supported and promoted by counties, and that they should be considered in the broader context of municipal priorities. In any event, the Committee does not share the view that counties would decrease the level of library service, since counties currently have control of library spending, by virtue of a majority of members on the board.

There is substantial demand from counties for greater flexibility in determining the method of managing library services. Those who have an interest in library services, but who are not willing to seek municipal office, could still be assured of an avenue of participation through an advisory committee to the county council. It is not the Committee's intent to eliminate citizen participation, but rather to encourage it within the context of more accountable and representative municipal government.

Recommendation

THE COMMITTEE RECOMMENDS THAT

20. COUNTY COUNCILS BE AUTHORIZED TO ASSUME DIRECT RESPONSIBILITY FOR THE MANAGEMENT AND CONTROL OF A COUNTY LIBRARY SYSTEM, PROVIDING THE COUNTY ESTABLISHES AN ADVISORY COMMITTEE OF ELECTED AND CITIZEN MEMBERS TO PROVIDE ADVICE TO COUNTY COUNCIL ON LIBRARY MATTERS.

E. BOARDS OF HEALTH

Responsibility for the provision of public health services usually rests with a health unit, under the supervision of a board of health. The composition of the boards of health is determined by regulations under the Health Protection and Promotion Act, 1983. These specify that there shall be not fewer than 13 municipal members on each board of health, and that the number of municipal members shall always be greater than the number of provincial appointees.

Each of the counties with separated municipalities shares membership on the health unit with its separated municipality. As well, six of these seventeen counties have joint membership with another county.[16]

There are nine counties without separated municipalities. All but two of these (Bruce and Huron) have joined with a neighbouring county to form a board of health. In summary then, only two of the 26 counties (Bruce and Huron) have health units that serve the same geographic area as the county. Notably, both

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16 Wellington shares board of health membership with Dufferin; Stormont, Dundas and Glengarry with Prescott and Russell; Hastings with Prince Edward; Frontenac with Lennox and Addington; Leeds and Grenville with Lanark (both have separated municipalities).

have suggested that they should be permitted to assume responsibility for the delivery of public health services as a direct county function.

In all other counties, an additional municipality or municipalities participate on the board of health. This multi-municipal setting makes it difficult to determine who is accountable for the actions of health units.

In regions these problems do not exist, because there are no separated municipalities and the health unit boundaries coincide with the regions (except in Muskoka and Sudbury). Regional council serves as the board of health in Durham, Haldimand-Norfolk, Halton, Hamilton-Wentworth, Niagara, Ottawa-Carleton, Peel, Waterloo and York. This authority was given to each of the regions after individual requests to the Province.

Oxford was given the option, but chose to retain the board mechanism for health services. The Region of Sudbury and District of Muskoka have circumstances similar to that of most of the counties -- the health units also include adjacent areas. In Metropolitan Toronto, public health is a function of the local municipalities.

In a restructuring study for the County of Prescott and Russell, it was recommended that the county take over health services within its boundaries. Prescott and Russell does not have any separated municipalities and currently shares membership on the Eastern Ontario Health Unit with the County of Stormont, Dundas and Glengarry and its separated city, Cornwall.

Recommendations

THE COMMITTEE RECOMMENDS THAT:

21. COUNTIES WITH HEALTH UNITS SERVING ONLY THE COUNTY AREA BE DEEMED TO BE BOARDS OF HEALTH, WITH ALL THE POWERS, RIGHTS AND DUTIES OF A BOARD OF HEALTH UNDER THE HEALTH PROTECTION ACT, 1983, OR OTHER LEGISLATION.

22. THE SEVEN COUNTIES WITHOUT SEPARATED MUNICIPALITIES BE AUTHORIZED TO ESTABLISH COUNTY HEALTH SERVICES TO REPLACE THE BOARDS OF HEALTH, AND THAT;

A) WHERE SUCH A SERVICE IS ESTABLISHED, COUNTY COUNCIL SHALL BE DEEMED TO BE THE BOARD OF HEALTH,

B) WHERE SUCH A SERVICE IS NOT ESTABLISHED, A JOINT COMMITTEE OF THE COUNTY COUNCILS BE ESTABLISHED TO OVERSEE THE MANAGEMENT OF PUBLIC HEALTH SERVICES.

23. COUNTIES PARTICIPATING ON A BOARD OF HEALTH WITH ONE OR MORE SEPARATED MUNICIPALITIES, WHERE THE COUNCILS AGREE, BE AUTHORIZED TO REPLACE THE BOARD OF HEALTH WITH A JOINT COMMITTEE OF THE TWO OR MORE COUNCILS TO OVERSEE THE MANAGEMENT OF PUBLIC HEALTH SERVICES.

24. WHERE HEALTH SERVICE IS ASSUMED BY A COUNTY, IT SHALL BE DEEMED A CORE COUNTY FUNCTION.

F. CHILDREN'S AID SOCIETIES

Children's Aid Societies (CAS) are established to protect children under the age of 16, provide care for children assigned to their supervision, and provide adoption services.

Regulations under the Child and Family Services Act, 1984, prescribe the number of municipal representatives that sit on the board of directors of a Children's Aid Society (CAS) as follows:

- for counties without separated municipalities, not fewer than four county councillors are to be appointed by the council of the county, and
- for counties with separated municipalities, one council member from each county and separated municipality; and the council of the county, or the council of the separated city, if it has the largest population, shall appoint from among themselves such other municipal representatives as are necessary to ensure the total number of municipal representatives on the board of directors is not fewer than four.

The balance of the board of directors is composed of private citizens selected under the by-laws of the CAS. The board of directors are required to:

> "pass a by-law that provides for an executive committee that consists of the president and the treasurer of the board of directors and that provides for the election from among their number of seven additional members being four municipal representatives and three other directors."

This executive committee can, in turn, take on any function that is delegated to it by the board.

Children's Aid Societies, like health units, have an intermunicipal setting, although not as complicated. In each of the 17 counties with separated municipalities, the county shares membership on the CAS with its separated municipality. In seven of the nine counties without separated municipalities, the CAS serves the same geographic area as the county. The other two counties -- Haliburton and Victoria -- share membership on the same CAS (with Peterborough County and the City of Peterborough).

There have been suggestions that the functions of Societies should be integrated with those of county social services departments for better coordination, efficiency and accountability. Children's Aid Societies provide a service to families, as do county social service departments, and the provision of these services by different bodies means that opportunities for an integrated approach to service delivery are lost.

Suggestions for integration of all family services under the county have come from various sources at various times, including:

- A 1967 report of the Association of Counties entitled A Blueprint for Local Government Reorganization, which noted:

> "Criticism of the extension of powers granted to the Children's Aid Societies is general in county councils across the province....But, have we not been the authors of our own misfortune? Local government should have been

meeting the responsibility for child protection. We can't blame the CAS authorities or the Province entirely."

- A 1979 study of Children's Aid Societies which suggested as one alternative the absorption of the CAS responsibilities by the provincial and municipal governments. This approach was ruled out by then Minister of Community and Social Services.

- Individual county restructuring studies through the 1970s, e.g. Bruce, Elgin, Lanark, and Lennox and Addington.

The relationship between the CAS and county social services departments is one of several topics to be studied by the recently-formed Provincial-Municipal Social Services Review Committee.

The Counties of Bruce and Lanark have suggested to the Advisory Committee that the CAS should be under the control of county council. Bruce, however, has also argued that this change should be accompanied by an increase in the provincial share of funding CAS services. The County of Dufferin has also recommended that "the CAS be made a county department under the County Social Services Department".

The Committee's earlier recommendation that general welfare assistance be a mandatory county function recognizes the importance of the "one-stop shopping" concept for delivery of social services. This would remove one impediment to the integration of CAS responsibilities with social services.

However, two difficulties remain. First, of the 13 counties with separated municipalities that currently provide social services, eight have not joined with their separated municipality to provide an area-wide service.[17] Second, three counties, Haliburton, Victoria and Peterborough, have joint membership on the same CAS (with the City of Peterborough).

The Committee believes that co-ordination (i.e. "one-stop shopping"), efficiency and accountability problems with the existing delivery of services to people will need to be addressed as demands increase for more responsive services from taxpayer-funded agencies.

As well, the Committee believes that flexibility in the delivery of children's protective services should not be denied when the municipalities agree that there is a public advantage in integrating the service. Flexibility should also be provided to cities, which should be able to provide children's protective services jointly with a county; as part of a city social services department; or through a CAS for the city jurisdiction.

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[17] These are Essex (Windsor); Lambton (Sarnia); Kent (Chatham); Elgin (St. Thomas); Middlesex (London); Perth (Stratford and St. Mary's, which contracts services to Stratford); Simcoe (Barrie); Stormont, Dundas and Glengarry (Cornwall).

Recommendations

THE COMMITTEE RECOMMENDS THAT:

25. COUNTIES BE PERMITTED TO ASSUME THE RESPONSIBILITIES OF CHILDREN'S AID SOCIETIES AND INTEGRATE THESE RESPONSIBILITIES WITH COUNTY SOCIAL SERVICES.

26. WHERE A COUNTY AND SEPARATED MUNICIPALITY HAVE JOINT SOCIAL SERVICES, THE SEPARATED MUNICIPALITY HAVE THE CHOICE OF:

A) ASSUMING AND INTEGRATING CAS RESPONSIBILITIES JOINTLY WITH THE COUNTY;

B) ASSUMING CAS RESPONSIBILITIES DIRECTLY FOR THE CITY JURISDICTION ONLY;

C) CONTINUING CAS PROVISION OF SERVICES FOR THE CITY JURISDICTION ONLY.

27. THOSE CHILDREN'S AID SOCIETIES WHICH ARE NOT INTEGRATED WITH MUNICIPAL SOCIAL SERVICES DEPARTMENTS, BE REQUIRED TO FURNISH THE FUNDING MUNICIPALITIES' COUNCILS WITH SUCH INFORMATION IN RESPECT OF THE CHILDREN'S AID SOCIETY, AT SUCH TIMES, AND IN SUCH FORM, AS THE COUNCILS MAY REQUIRE.

4. POLICE VILLAGES

Police villages are one of the oldest forms of special purpose body, and were authorized under the provisions of the 1849 Baldwin Act. The Act stipulated that, at the request of any inhabitants of an unincorporated village or hamlet, the county council could pass a by-law to establish a police village. Each of the police villages is governed by a board of three elected trustees.

The trustees were initially charged with enforcing regulations regarding fire prevention, storage of gunpowder and public nuisance by-laws (hence "police" villages). The duties developed over time to include the provision and maintenance of urban services such as electricity, supply of water, streetlighting and public works, establishment and maintenance of parks and gardens. In practice, 10 of Ontario's 70 police villages provide no services (they are dormant, or inactive), 13 provide only one service, and five provide only two services.

Police villages are authorized to perform some or all of these functions with a fixed rate of 15 mills as the maximum tax levy. They are required to submit a budget by June 1 of each year for township council approval, and must also request the township to issue any debentures that may be necessary.

Police villages varied in size, according to 1984 estimates, from a maximum of 1,500 people in Bourget to a minimum of 60 in Kerwood. The average police village population was 454, compared to an average incorporated village population of 1,134.

The Municipal Act provisions allowing county councils to establish police villages were repealed in 1965, as were the provisions providing for extension of police village boundaries. At the same time, an amendment provided a ward mechanism for

preserving the identity of a police village community while dissolving the special purpose board of trustees. By 1985, 99 police villages had been dissolved as a result of restructuring or by application for dissolution.

Concerns

As the nature of hamlets and villages has shifted from small-scale service and distribution centres to dormitory communities, and as townships have generally become more accustomed to dealing with urban development, the role of police villages has been increasingly questioned. In recent years, the Ministry of Municipal Affairs has received enquiries from police village trustees on how to incorporate as a full-status village, or on how to dissolve.

Concerns focus on: whether police villages have continued relevance, public confusion about who provides what service, fragmentation of service delivery and accountability. A 1984 survey indicated that more than 78 per cent of police village boards of trustees were acclaimed in the previous election. It has been difficult to find anyone willing to serve as a trustee in some police villages. Critics argue that police villages are an unnecessary level of local government. In at least two cases, police villages exist without a board of trustees and with no provision of services. Some dissolutions have occurred because

the trustees felt their police village was unable to meet its responsibilities within the financial constraints imposed by existing legislation.

The Ontario Municipal Board has had the power to dissolve police villages since 1954, on an application by the board of trustees or by the Minister of Municipal Affairs (but not by the township council).

In addition, OMB approval of a township's application for division into wards, also involves the dissolution of police villages (s. 13(5)):

> "Where a township containing one or more police villages is hereafter divided into wards under this section and the boundaries of the wards are such that the police village is within the boundaries of a ward or, where there is more than one police village, each of such police villages is within the boundaries of a different ward, each such police village is dissolved as of the date when the division into wards takes effect, and the provisions of section 25 apply with necessary modifications."

There are seven townships with ward systems in counties, but only two (North Dorchester and Westminster) have dissolved police villages by establishing wards.

Another 1964 amendment to the Municipal Act gave the OMB the authority to hear applications to define urban service areas, which provide parallel responsibilities and structure to the police village concept. Both police villages and urban service

areas tax a localized area for specific local services. The urban service area, however, is administered by the municipal council, whereas the police village is administered by a special purpose board of trustees.

Conclusions

Consistent with its views on other special purpose bodies, the Committee believes that the confusion of accountability, fragmentation and duplication engendered by police villages should be addressed. The purposes served by police villages are today more appropriate to a ward or urban service area.

The major impediment to dissolution of police villages appears to be the lack of authority for townships to apply to the OMB. In some cases, even where everyone concerned agreed that a police village should be dissolved, there was no board of trustees to make the application. This situation can easily be corrected by an amendment to the Municipal Act allowing townships to apply for dissolution of their police villages. Existing legislation provides a range of options for continuing service delivery, from the urban service area concept discussed above, to provision to replace the police village with a utilities commission where the administration of public utilities are involved.

Recommendation

THE COMMITTEE RECOMMENDS THAT:

28. TOWNSHIPS BE PERMITTED TO APPLY TO THE ONTARIO MUNICIPAL BOARD FOR DISSOLUTION OF POLICE VILLAGES WITHIN THEIR JURISDICTION.

V. WASTE MANAGEMENT

Introduction

In the past decade, environmental concerns have become more acute, and have gained increasing importance in service provision at all levels of government. Both the public concern over pollution, and regulations requiring a process of environmental assessment, have had impacts on municipal delivery of waste management services. Waste management has become a more controversial, more difficult, more time-consuming and more expensive function.

Waste management includes several inter-connected components. These components consist of waste management planning, waste disposal, waste collection and the 4Rs programs. Waste management planning is the coordination of various components of the waste management system in order to ensure that waste produced in a geographic area is dealt with effectively. Waste disposal includes the treatment and disposal of waste by various methods such as land-fill and incineration. Collection refers to removal of the garbage from the property of municipal taxpayers. The 4Rs programs stand for reduction, reuse, recovery and recycling of waste.

Under the Municipal Act, local municipalities have the authority to deal with all aspects of waste management (although

4Rs programs are not specifically mentioned) on their own as well as by agreement.

Counties, on the other hand, do not have the authority under the Municipal Act to undertake waste management activities on their own, and their power to enter into agreements to provide this service is questionable. Despite this, two counties do operate waste disposal sites: Essex and Northumberland.

In all other counties, this is strictly a local municipal function, which means that the level of government closest to the people is providing the service. This ensures that the waste management system is adapted to the needs of the people it serves. However, the Ministry of the Environment's (MOE) "Blueprint for Waste Management in Ontario" indicates that there are sound technical, planning, economic and administrative reasons for waste management to be conducted on a larger geographic scale. MOE is encouraging municipalities to get together to undertake joint waste management services.

On several occasions during the consultation process the Committee heard that the waste management situation is in a state of crisis. Because of opposition from local groups, it has become very difficult and expensive to acquire waste disposal

sites. In addition, the environmental approval process is extremely time-consuming and costly.

The Committee was told that the cost of waste management could be lowered by reducing the scope of some of the studies necessary for the environmental approval and waste management planning processes. For instance, each waste management plan includes an assessment of various waste disposal technologies as part of the option evaluation process. However, such technology assessments are of a generic nature: that is studies completed in one jurisdiction can be of use to another.

In this regard, the Ministry of the Environment should do bench mark studies on the evaluation of waste disposal technologies so that municipalities engaged in waste management master-planning can use these studies rather than do their own. The Committee also believes, again on the basis of the presentations made to it, that the Ministry of the Environment should show leadership in the area of recycling technology and assist municipalities in establishing recycling programs. There is also a need for investigation of alternative methods of waste disposal, including incineration.

Suggestions/Alternatives

A majority of the submissions and presentations favoured county involvement in waste management. Of the 13 counties which made specific comments, 11 supported a county role. Frontenac County, and Lennox and Addington County, opposed county involvement, but recommended that it be a provincial, not a municipal, responsibility.

The Committee considered several alternatives for county involvement in waste management:

1. Exclusive county responsibility for waste disposal; garbage collection to remain a local municipal responsibility.

2. Permissive county authority to undertake any aspect of waste management provided that a substantial majority on county council supports this. Once the county assumes responsibility, it could enter into agreements with other municipalities.

3. Permissive county authority to undertake waste disposal, but not garbage collection, provided that a substantial majority on county council supports it. Once the county assumes responsibility, it could enter into agreements with other municipalities. Garbage collection would remain a local municipal responsibility.

4. Provide authority for counties to enter into agreements with local municipalities in the county and with separated towns and cities to provide waste management services.

The first option would ensure that waste disposal is a mandatory municipal responsibility undertaken on a larger geographic basis. It would solve the problem of existing sites which are presently owned and operated by counties without the

benefit of statutory authority. Centralized, well-managed sites would be promoted, and unsatisfactory existing local sites could be closed. Existing garbage collection authority would be maintained. On the other hand, many counties may not be interested in, or capable of, undertaking waste disposal activities. They may not have the technical expertise or administrative capacity. This option could preclude cities and separated towns from participating in area-wide solid waste disposal. Local municipalities may be reluctant to give up control of their sites to the county, and authority for disposal and collection would be divided, which could make difficult the implementation of a comprehensive system which included recycling.

The second option, for permissive county authority to undertake waste disposal and/or garbage collection, ensures that only interested counties which have the support of local municipalities would undertake responsibility for waste management. It would legalize existing county sites, and permit separated towns and cities to participate in an area-wide waste management system. It may result in fragmenting waste management responsibility if collection is not also under county jurisdiction, and may exclude separated towns and cities if agreement cannot be reached.

The third option, for permissive county authority to undertake waste disposal, has the same advantages and disadvantages as the second. In addition, with collection exclusively at the local municipal level, fragmentation and difficulty of implementing a comprehensive system would occur.

Option four, providing for agreements, allows counties to get together with local municipalities interested in joint waste management on a voluntary basis and does not require local municipalities to give up their disposal or collection facilities to the county. However, it could result in agreements for waste disposal service areas that are too small for effective planning and development of comprehensive, efficient and economical systems. In addition, municipalities could withdraw from an agreement, creating uncertainty about the future viability of the system.

Conclusion

The Committee believes that counties should be permitted to undertake any aspect of waste management provided that a substantial majority on county council support this role. A county which assumed responsibility for waste management could enter into agreements with separated towns and cities within its geographic boundaries.

The Committee also discussed the grounds on which a local municipality could opt out of a county waste management system. As in the case of other functions, a local municipality may be exempted from a county waste management service if such an exemption has the same support as required for county assumption of the function.

At the same time, the Committee believes that unless a local municipality has been granted exemption from a county-provided waste management service, it should not provide the service itself. As far as the other functions are concerned, the Committee has suggested that local municipalities should not be prohibited by legislation from supplementing services provided by the county.

However, waste management has some unique characteristics. Modern waste management is capital intensive. The provision of a waste management service by a local municipality in an area where the county has assumed the function could result in the county waste management facility losing its economic viability and efficiency.

When a county assumes a waste management responsibility, it would also assume the local municipalities' assets and liabilities that go with the function. The Province should set up

a mechanism to ensure that the terms and conditions under which this tranferral takes place are agreeable to the county and municipalities involved. The Province should also consider providing start-up funds and technical assistance to counties when they assume a waste management responsibility.

Recommendation

THE COMMITTEE RECOMMENDS THAT:

29. COUNTIES BE PROVIDED WITH PERMISSIVE AUTHORITY TO ASSUME ANY ASPECT OF WASTE MANAGEMENT RESPONSIBILITY WHERE THERE IS A TWO-THIRDS VOTE OF COUNTY COUNCIL REPRESENTING A MAJORITY OF THE LOCAL MUNICIPALITIES;

A) ONE OR MORE LOCAL MUNICIPALITIES MAY BE EXEMPTED FROM THE COUNTY'S JURISDICTION AND LEVY FOR THE SERVICE IF THERE IS A TWO-THIRDS VOTE OF THE COUNTY COUNCIL REPRESENTING A MAJORITY OF THE LOCAL MUNICIPALITIES IN FAVOUR OF THE EXEMPTION;

B) THE COUNTY HAVE AUTHORITY TO ENTER INTO AGREEMENTS WITH ANY OTHER MUNICIPALITIES FOR WASTE MANAGEMENT;

C) THE PROVINCE SET UP A MECHANISM TO ASSIST LOCAL MUNICIPALITIES AND COUNTIES TO ARRIVE AT THE TERMS AND CONDITIONS FOR TRANSFERRING ASSETS AND LIABILITIES RELATED TO A WASTE MANAGEMENT FUNCTION WHICH IS BEING ASSUMED BY A COUNTY.

D) THE PROVINCE PROVIDE START-UP TECHNICAL AND FINANCIAL ASSISTANCE TO COUNTIES THAT ASSUME A WASTE MANAGEMENT RESPONSIBILITY.

VI. FINANCIAL ISSUES

1. COUNTY-WIDE REASSESSMENTS

The fairness of the property tax system has been the subject of considerable discussion for many years. Since the late 1970s, many local municipalities have undergone reassessments in order to achieve a "fairer" distribution of their property taxes. These reassessments were conducted on a municipality-by-municipality basis under section 63 or section 70 of the Assessment Act.

Section 63 permits reassessment by property type or class. Currently, six classes of property are used: residential, multi-residential, commercial, industrial, farm, and pipeline. This approach establishes a consistent basis for the assessment of each property class within each local municipality, while maintaining the prevailing distribution of taxes among the various property classes. In effect, all properties within each class in a local municipality are reassessed at a common fraction, or percentage, of their market value. Different fractions are used for each class and this serves to maintain the existing property tax distribution among the classes.

Section 70 permits a reassessment of all properties within the local municipality at market value. This approach does not maintain the existing distribution of taxes among the different

classes of property as all properties are assessed at the same percentage of market value (i.e., 100 per cent).

Both approaches to reassessment have served to substantially improve the "fairness" of the property tax system by utilizing more consistent, objective standards and by also improving the ratepayers' understanding of their taxes relative to the taxes paid by others in the same local municipality. However, the focus of both of these approaches to reassessment has been on each individual local municipality.

More recently, the Province has advocated the simultaneous updating of assessment bases throughout an entire upper-tier municipality in recognition of the fact that more than two-thirds of property taxes in counties and regions are levied in respect of the shared costs of the upper-tier municipality and the school board. This approach has been endorsed by the Association of Municipalities of Ontario.

All the local municipalities in the Regional Municipality of Sudbury were reassessed on a common basis for the 1986 tax year, and those in the Regional Municipality of Haldimand-Norfolk and the County of Brant were reassessed for 1987. Such reassessments have been conducted using the same approach as had been used for reassessments under section 63 of the Assessment Act. Under this

approach all properties in each class throughout the entire upper-tier municipality have been reassessed at a common fraction of market value. This ensures that, throughout the entire county or region, owners of comparable properties, with similar market values, pay similar taxes for county or regional purposes, as well as school purposes.

The Committee recommends that counties and their constituent local municipalities should consider undertaking a county-wide reassessment by property class in order to ensure that taxes are distributed throughout the county on a basis that is "fair" and understandable. With counties able to take on more services, equitable assessment becomes as important as equitable representation.

Recommendation

THE COMMITTEE RECOMMENDS THAT:

30. COUNTIES AND THEIR CONSTITUENT LOCAL MUNICIPALITIES UNDERTAKE A COUNTY-WIDE REASSESSMENT BY PROPERTY CLASS.

2. COUNTY LEVIES

Section 365 of the Municipal Act permits counties to set instalment dates for paying the county's requisition.

Subsection 365(13) states that the county may, by agreement with a majority of the municipalities representing two-thirds of the equalized assessment in the county, provide by by-law that the amount required to be provided by each municipality shall be paid to the county in the following instalments:

1) 25 per cent of the amount required for county purposes in the prior year, on or before the 31st day of March.

2) 50 per cent of the amount required for county purposes in the current year, less the amount of the instalment paid under paragraph 1, on or before the 30th day of June.

3) 25 per cent of such current amount on or before the 30th day of September.

4) 25 per cent of such current amount on or before the 15th day of December.

Subsection 365(14) permits the county to set alternate dates and percentage amounts by by-law, but also requires that an agreement be established.

In the Committee's view, if the county does not come to an agreement with the majority of its local municipalities and pass a by-law under subsection 365(13) or 365(14), then the county levy would be due in one instalment before the end of the year. It is the Committee's opinion that establishing an "agreement" (read "legal agreement") as required by the legislation is exceedingly and unnecessarily cumbersome.

While at one time many local municipalities delayed collecting their tax bills until late in the year, the Committee understands that virtually all local municipalities currently collect taxes by instalments throughout the year. The Education Act requires that municipalities pay the school boards' requisition by instalments on prescribed dates without the need for an "agreement" or a by-law. Accordingly, the Committee feels that it is reasonable for counties to request instalments from the local municipalities without being required to establish an "agreement" and pass a by-law as is now required under subsection 365(13).

At the same time, however, the Committee recognizes that a given set of prescribed percentage amounts and dates might not satisfy the requirements of all counties. Therefore, the Committee feels that county councils should be authorized to establish alternate dates and amounts by by-law with a two-thirds vote of council, representing a majority of the local municipalities.

Recommendations

THE COMMITTEE RECOMMENDS THAT:

31. THE MUNICIPAL ACT BE AMENDED SO THAT THE AMOUNTS REQUIRED TO BE PROVIDED BY EACH MUNICIPALITY TO THE COUNTY SHALL BE PAID IN THE FOLLOWING INSTALMENTS:

A) 25 PER CENT OF THE AMOUNT REQUIRED FOR COUNTY PURPOSES IN THE PRIOR YEAR, ON OR BEFORE THE 31ST DAY OF MARCH;

B) 50 PER CENT OF THE AMOUNT REQUIRED FOR COUNTY PURPOSES IN THE CURRENT YEAR, LESS THE AMOUNT OF THE INSTALMENT PAID UNDER PARAGRAPH A, ON OR BEFORE THE 30TH DAY OF JUNE;

C) 25 PER CENT OF SUCH CURRENT AMOUNT ON OR BEFORE THE 30TH DAY OF SEPTEMBER;

D) 25 PER CENT OF SUCH CURRENT AMOUNT ON OR BEFORE THE 15TH DAY OF DECEMBER.

32. THE MUNICIPAL ACT BE AMENDED SO THAT A BY-LAW MAY BE ADOPTED BY A TWO-THIRDS VOTE OF COUNTY COUNCIL REPRESENTING A MAJORITY OF THE LOCAL MUNICIPALITIES, TO PROVIDE ALTERNATE PERCENTAGE AMOUNTS AND DUE DATES.

3. COUNTY DEBENTURING

Section 123 of the Municipal Act authorizes counties to issue debentures for their own purposes. Section 126 of the Municipal Act also permits counties to issue debentures on behalf of their constituent local municipalities at their request.

The Municipal Act specifies the types of debentures which may be issued. However, since counties are not included in the definition of a "local municipality", they are not permitted to issue extendable, retractable, refundable, instalment and sinking fund debentures, which are authorized by sections 143, 143a and

146. The Committee feels that there is no reason for not allowing counties to use such types of debentures. It has also been suggested that this limitation has precluded counties from issuing debentures on behalf of local municipalities.

It is the Committee's view that counties should be given authority to issue the same types of debentures as local municipalities.

Recommendation

THE COMMITTEE RECOMMENDS THAT:

33. THE MUNICIPAL ACT BE AMENDED TO ALLOW COUNTIES TO ISSUE THE SAME TYPES OF DEBENTURES AS LOCAL MUNICIPALITIES.

4. COUNTY LIBRARY BOARD DEBENTURES

The Public Libraries Act does not authorize counties to issue debentures for the purposes of the county library board. Section 25 of the Act provides local municipalities with the authority to issue debentures on behalf of the public library board for acquiring land, for building, erecting or altering a building or for acquiring books and other things required for a newly established public library. Also, oddly enough, section 26 empowers a lower-tier municipality to issue debentures for a county library board, but only for the purpose of financing building construction costs.

The Committee feels that counties should be able to borrow for the purposes of the county library board just as local municipalities are permitted to borrow on behalf of the public library board.

Recommendation

THE COMMITTEE RECOMMENDS THAT:

34. THE PUBLIC LIBRARIES ACT BE AMENDED TO PROVIDE COUNTIES WITH THE AUTHORITY TO ISSUE DEBENTURES ON BEHALF OF COUNTY LIBRARY BOARDS FOR CAPITAL EXPENDITURE PURPOSES.

5. COUNTY ROAD SUBSIDIES

Section 59 of the Public Transportation and Highway Improvement Act requires counties to provide a contribution towards the construction and maintenance of local roads in all of their constituent urban municipalities (towns and villages) which participate in the county road system. The contribution or rebate must be between 25 to 50 per cent of the amount levied on the urban municipality for county road purposes.

The Committee has reviewed the existing rate formula for contributions by counties to urban municipalities in respect of local roads, and is concerned that a change in municipal status from township to town or village would automatically result in increased costs for the county's road program. The Committee

believes that the Ministry of Transportation should consider changing the current rate structure.

Recommendation

THE COMMITTEE RECOMMENDS THAT:

35. THE MINISTRY OF TRANSPORTATION REVIEW AND CONSIDER CHANGING THE COMPULSORY CONTRIBUTION BY THE COUNTY FOR ROAD PURPOSES IN URBAN MUNICIPALITIES, PARTICULARLY WITH REGARD TO TOWNSHIPS WHICH CHANGE STATUS.

6. CONSERVATION AUTHORITIES IN COUNTIES

In counties, conservation authorities currently levy on lower-tier municipalities, depending on the portion of their lands that are within the conservation authority's jurisdiction. However, in regions, conservation authorities levy on the upper-tier municipality.

Generally, the Committee favours the system used with respect to regional governments. However, since a review of the organization and financing of conservation authorities is currently being conducted by the Province, the Committee has decided not to recommend any changes in this regard.

7. A MECHANISM FOR SETTLING DISPUTES

The Committee recognizes, that in recommending that counties provide certain mandatory, as well as, permissive functions,

there is a need to establish a mechanism to settle disputes concerning compensation which may arise with regard to assets and liabilities.

A similar situation existed when regional governments were established in Ontario in the 1970s. A process of arbitration was legislated which enabled a committee of arbitrators to establish the disposition of assets and liabilities, including reserve funds.

Each committee of arbitrators consisted of the treasurers of the municipalities concerned or such other person or persons as may have been appointed.

The purpose was to facilitate negotiations between the municipalities concerned and to make a final determination of the disposition of assets, liabilities and reserve funds and any other financial adjustments that were necessary without applying directly to the Ontario Municipal Board in all instances.

However, an appeal could be made to the Ontario Municipal Board (OMB) if one of the municipalities concerned objected to the final determination of the committee of arbitrators.

Recommendation

THE COMMITTEE RECOMMENDS THAT:

36. WHEN A SERVICE IS TRANSFERRED FROM LOCAL MUNICIPAL PROVISION TO COUNTY ADMINISTRATION, OR VICE VERSA, THE COUNTY AND THE MUNICIPALITIES CONCERNED MAY APPOINT A COMMITTEE OF ARBITRATORS FOR THE PURPOSE OF DETERMINING THE DISPOSITION OF THE ASSETS AND LIABILITIES, INCLUDING RESERVE FUNDS OF THE MUNICIPALITIES CONCERNED, AND;

A) THE COMMITTEE SHALL CONSIST OF THE TREASURERS OF THE COUNTY AND THE MUNICIPALITIES CONCERNED AND SUCH OTHER PERSON OR PERSONS THAT THE COUNTY AND THE MUNICIPALITIES CONCERNED AGREE TO APPOINT;

B) THE COMMITTEE SHALL MAKE A FINAL DETERMINATION OF THE DISPOSITION OF ASSETS, LIABILITIES AND RESERVE FUNDS, TOGETHER WITH DETERMINATIONS OF ANY FINANCIAL ADJUSTMENTS WHICH MAY BE NECESSARY;

C) THE FINAL DETERMINATION MADE BY THE COMMITTEE SHALL BE FORWARDED TO THE COUNTY AND THE MUNICIPALITIES DIRECTLY CONCERNED AND THE ONTARIO MUNICIPAL BOARD;

D) THE COUNTY OR ANY OF THE CONCERNED MUNICIPALITIES MAY APPLY TO THE ONTARIO MUNICIPAL BOARD TO APPEAL THE DETERMINATION BY THE COMMITTEE OF ARBITRATORS, AND THE DECISION OF THE ONTARIO MUNICIPAL BOARD WOULD BE FINAL.

VII. LIST OF RECOMMENDATIONS

THE ADVISORY COMMITTEE ON COUNTY GOVERNMENT RECOMMENDS THAT:

ON REPRESENTATION ISSUES

1. THE MINISTER CONDUCT A REVIEW OF VERY SMALL MUNICIPALITIES AND SEPARATED MUNICIPALITIES.

2. THE MUNICIPAL ACT BE AMENDED TO SPECIFY THAT ALL HEADS OF COUNCIL BE MEMBERS OF COUNTY COUNCIL.

3. THE POSITIONS OF REEVE AND DEPUTY REEVE BE ABOLISHED IN TOWNS, AND THAT WHERE A TOWN IS ENTITLED TO A SECOND COUNTY COUNCIL REPRESENTATIVE, THE POSITION BE ENTITLED "LOCAL/COUNTY COUNCILLOR".

4. THE MUNICIPAL ACT BE AMENDED TO CHANGE TITLES AS FOLLOWS:

   A) ALL HEADS OF LOCAL MUNICIPAL COUNCILS HAVE THE TITLE OF MAYOR;

   B) THE TITLES OF REEVE AND DEPUTY REEVE BE ELIMINATED FROM THE ACT; AND WHERE THE MUNICIPALITY QUALIFIES FOR AN ADDITIONAL COUNTY COUNCIL MEMBER, THAT POSITION HAVE THE TITLE OF LOCAL/COUNTY COUNCILLOR;

   C) THE HEAD OF COUNTY COUNCIL HAVE THE TITLE OF COUNTY CHAIRMAN.

5. PROVISIONS PERMITTING ELECTION OF THE HEAD OF COUNTY COUNCIL BY SECRET BALLOT, AS INCLUDED IN BILL 97 IN THE SPRING, 1987 SESSION OF THE LEGISLATURE, BE REINTRODUCED AS SOON AS POSSIBLE.

6. THE MUNICIPAL ACT BE AMENDED TO CLEARLY STATE THAT A HEAD OF COUNTY COUNCIL CAN BE REELECTED TO ADDITIONAL TERMS.

7. THE MUNICIPAL ACT BE AMENDED TO ALLOW COUNTY COUNCILS TO ADOPT, BY BY-LAW, A ONE-YEAR, TWO-YEAR OR THREE-YEAR TERM FOR THE HEAD OF COUNTY COUNCIL, PROVIDED THAT THE TERM DOES NOT GO BEYOND THE TERM OF COUNCIL.

8. THE MUNICIPAL ACT BE AMENDED TO CLEARLY PROHIBIT SUBSTITUTION ON COUNTY COUNCIL.

THE MUNICIPAL ACT BE AMENDED TO PROVIDE FOR COUNTY COUNCIL COMPOSITION AND REPRESENTATION AS FOLLOWS:

9. COUNTY COUNCIL WILL BE COMPOSED OF THE HEADS OF COUNCIL OF ALL LOCAL MUNICIPALITIES, NOT BEING SEPARATED MUNICIPALITIES, OF THE COUNTY, AND;

A) A LOCAL MUNICIPALITY MUST HAVE AT LEAST 2,500 ELECTORS FOR ENTITLEMENT TO A SECOND COUNTY COUNCILLOR OR A SECOND VOTE, AND WILL USE MULTIPLES OF 2,500 TO DETERMINE ENTITLEMENT TO ADDITIONAL COUNTY COUNCIL REPRESENTATIVES AND/OR ADDITIONAL VOTES.

10. NOTWITHSTANDING 9(A), COUNTY COUNCIL MAY ADOPT 5,000 ELECTORS, OR 7,500 ELECTORS, OR 10,000 ELECTORS AS THE BASE FOR ENTITLEMENT TO A SECOND COUNTY COUNCIL REPRESENTATIVE OR A SECOND VOTE; AND WILL USE MULTIPLES OF THE BASE NUMBER OF ELECTORS TO DETERMINE ENTITLEMENT TO ADDITIONAL COUNTY COUNCIL REPRESENTATIVES AND/OR ADDITIONAL VOTES.

11. ANY CHANGES TO THE REPRESENTATION SYSTEM MUST BE MADE BEFORE JUNE 1 IN AN ELECTION YEAR.

ON FUNCTIONS: COUNTY POWERS

12. COUNTIES BE REQUIRED, AND NO LOCAL MUNICIPALITY IN A COUNTY BE PERMITTED, TO PROVIDE HOMES FOR THE AGED, ADMINISTER GENERAL WELFARE ASSISTANCE AND OPERATE A COUNTY ROAD SYSTEM.

13. COUNTIES BE PROVIDED WITH PERMISSIVE AUTHORITY TO ASSUME ANY LOCAL MUNICIPAL FUNCTION THE COUNTY DOES NOT CURRENTLY PERFORM, OR DISCONTINUE PROVIDING A DISCRETIONARY SERVICE THEY DO PERFORM, WHERE THERE IS A TWO-THIRDS VOTE OF COUNTY COUNCIL REPRESENTING A MAJORITY OF THE LOCAL MUNICIPALITIES; AND THAT

(A) IF COUNTY COUNCIL APPROVES ASSUMPTION OF RESPONSIBILITY FOR A SERVICE, THAT ALL LOCAL MUNICIPALITIES SHALL PAY THEIR SHARE OF THE COUNTY LEVY FOR THAT SERVICE.

(B) NOTWITHSTANDING 13(A), ONE OR MORE LOCAL MUNICIPALITIES MAY BE EXEMPTED FROM THE COUNTY'S JURISDICTION AND LEVY FOR THE SERVICE IF THERE IS A TWO-THIRDS VOTE OF THE COUNTY COUNCIL REPRESENTING A MAJORITY OF THE LOCAL MUNICIPALITIES.

14. THE MINISTER OF MUNICIPAL AFFAIRS REVIEW EXISTING LEGISLATIVE PROVISIONS THAT PROVIDE POWERS SPECIFIC TO COUNTIES, AND REPEAL THOSE WHICH ARE FOUND TO BE OBSOLETE.

ON FUNCTIONS: AGREEMENTS

15. COUNTIES BE AUTHORIZED TO ENTER INTO AGREEMENTS WITH ANY OTHER MUNICIPALITY, OR LOCAL BOARD OR COMMISSION, ON ANY MUNICIPAL FUNCTION.

ON FUNCTIONS: SPECIAL *PURPOSE BODIES*

16. EXISTING LEGISLATION RESPECTING DISCRETIONARY COUNTY SPECIAL PURPOSE BODIES BE AMENDED TO STRENGTHEN THE CONTROL OF COUNTY COUNCILS OVER THEIR SPECIAL PURPOSE BODIES BY:

A) ALLOWING COUNTY COUNCILS COMPLETE DISCRETION IN APPOINTING COUNCIL AND/OR CITIZEN MEMBERS TO SPECIAL PURPOSE BODIES, WITH TERMS OF OFFICE NOT TO EXCEED THE TERM OF COUNCIL;

B) REQUIRING COUNTY COUNCIL APPROVAL OF THE BUDGETS OF SPECIAL PURPOSE BODIES;

C) REQUIRING SPECIAL PURPOSE BODIES TO MAKE AN ANNUAL REPORT TO COUNTY COUNCIL, AND TO REPORT AT SUCH OTHER TIMES AS COUNCIL MAY REQUIRE;

D) REQUIRING COUNTY COUNCIL APPROVAL OF ALL BORROWING AND CAPITAL ASSET ACQUISITIONS OF SPECIAL PURPOSE BODIES;

E) REQUIRING THAT ALL STAFF OF SPECIAL PURPOSE BODIES BE EMPLOYEES OF THE COUNTY.

17. THE STATUTORY REQUIREMENT FOR A COUNTY ROAD SYSTEM TO BE MANAGED BY A COUNTY ROAD COMMITTEE BE REPEALED AND THAT COUNTIES BE PERMITTED TO ESTABLISH THE COMMITTEE SYSTEM THEY DEEM APPROPRIATE.

18. COUNTY COUNCILS BE GIVEN AUTHORITY TO:

A) DISSOLVE A SUBURBAN ROADS COMMISSION WHERE THE SEPARATED MUNICIPALITY AND THE COUNTY AGREE TO THE DISSOLUTION, AND;

B) ASSUME THE RESPONSIBILITIES OF THE SUBURBAN ROADS COMMISSION, WITH A COST-SHARING AGREEMENT TO BE DETERMINED BY THE COUNTY AND THE SEPARATED MUNICIPALITY.

19. COUNTIES BE AUTHORIZED TO ASSUME RESPONSIBILITY FOR MANAGING COUNTY HOMES FOR THE AGED, EXCEPT FOR JOINT HOMES, AND THAT JOINT HOME COMMITTEES OF MANAGEMENT BE DISSOLVED WHERE THE COUNTY AND SEPARATED MUNICIPALITY AGREE, AND BE REPLACED WITH A JOINT COMMITTEE COMPOSED OF MEMBERS OF THE COUNCILS OF THE COUNTY AND SEPARATED MUNICIPALITY.

20. COUNTY COUNCILS BE AUTHORIZED TO ASSUME DIRECT RESPONSIBILITY FOR THE MANAGEMENT AND CONTROL OF A COUNTY LIBRARY SYSTEM, PROVIDING THE COUNTY ESTABLISHES AN ADVISORY COMMITTEE OF ELECTED AND CITIZEN MEMBERS TO PROVIDE ADVICE TO COUNTY COUNCIL ON *LIBRARY MATTERS*.

21. COUNTIES WITH HEALTH UNITS SERVING ONLY THE COUNTY AREA BE DEEMED TO BE BOARDS OF HEALTH, WITH ALL THE POWERS, RIGHTS AND DUTIES OF A BOARD OF HEALTH UNDER THE HEALTH PROTECTION ACT, 1983, OR OTHER LEGISLATION.

22. THE SEVEN COUNTIES WITHOUT SEPARATED MUNICIPALITIES BE AUTHORIZED TO ESTABLISH COUNTY HEALTH SERVICES, AND THAT,

A) WHERE SUCH A SERVICE IS ESTABLISHED, COUNTY COUNCIL SHALL BE DEEMED TO BE THE BOARD OF HEALTH,

B) WHERE SUCH A SERVICE IS NOT ESTABLISHED, A JOINT COMMITTEE OF THE COUNTY COUNCILS BE ESTABLISHED TO OVERSEE THE MANAGEMENT OF PUBLIC HEALTH SERVICES.

23. COUNTIES PARTICIPATING ON A BOARD OF HEALTH WITH ONE OR MORE SEPARATED MUNICIPALITIES, WHERE THE COUNCILS AGREE, BE AUTHORIZED TO REPLACE THE BOARD OF HEALTH WITH A JOINT COMMITTEE OF THE TWO OR MORE COUNCILS TO OVERSEE THE MANAGEMENT OF PUBLIC HEALTH SERVICES.

24. WHERE HEALTH SERVICE IS ASSUMED BY A COUNTY, IT SHALL BE DEEMED A CORE COUNTY FUNCTION.

25. COUNTIES BE PERMITTED TO ASSUME THE RESPONSIBILITIES OF CHILDREN'S AID SOCIETIES AND INTEGRATE THESE RESPONSIBILITIES WITH COUNTY SOCIAL SERVICES.

26. WHERE A COUNTY AND SEPARATED MUNICIPALITY HAVE JOINT SOCIAL SERVICES, THE SEPARATED MUNICIPALITY HAVE THE CHOICE OF:

A) ASSUMING AND INTEGRATING CAS RESPONSIBILITIES JOINTLY WITH THE COUNTY;

B) ASSUMING CAS RESPONSIBILITIES DIRECTLY FOR THE CITY JURISDICTION ONLY;

C) CONTINUING CAS PROVISION OF SERVICES FOR THE CITY JURISDICTION ONLY.

27. THOSE CHILDREN'S AID SOCIETIES WHICH ARE NOT INTEGRATED WITH MUNICIPAL SOCIAL SERVICES DEPARTMENTS, BE REQUIRED TO FURNISH THE FUNDING MUNICIPALITIES' COUNCILS WITH SUCH INFORMATION IN RESPECT OF THE CHILDREN'S AID SOCIETY, AT SUCH TIMES, AND IN SUCH FORM, AS THE COUNCILS MAY REQUIRE.

ON FUNCTIONS: POLICE VILLAGES

28. TOWNSHIPS BE PERMITTED TO APPLY TO THE ONTARIO MUNICIPAL BOARD FOR DISSOLUTION OF POLICE VILLAGES WITHIN THEIR JURISDICTION.

ON WASTE MANAGEMENT

29. COUNTIES BE PROVIDED WITH PERMISSIVE AUTHORITY TO ASSUME ANY ASPECT OF WASTE MANAGEMENT RESPONSIBILITY WHERE THERE IS A TWO-THIRDS VOTE OF COUNTY COUNCIL REPRESENTING A MAJORITY OF THE LOCAL MUNICIPALITIES;

A) ONE OR MORE LOCAL MUNICIPALITIES MAY BE EXEMPTED FROM THE COUNTY'S JURISDICTION AND LEVY FOR THE SERVICE IF THERE IS A TWO-THIRDS VOTE OF THE COUNTY COUNCIL REPRESENTING A MAJORITY OF THE LOCAL MUNICIPALITIES IN FAVOUR OF THE EXEMPTION;

B) THE COUNTY HAVE AUTHORITY TO ENTER INTO AGREEMENTS WITH ANY OTHER MUNICIPALITIES FOR WASTE MANAGEMENT;

C) THE PROVINCE SET UP A MECHANISM TO ASSIST LOCAL MUNICIPALITIES AND COUNTIES TO ARRIVE AT THE TERMS AND CONDITIONS FOR TRANSFERRING ASSETS AND LIABILITIES RELATED TO A WASTE MANAGEMENT FUNCTION WHICH IS BEING ASSUMED BY A COUNTY;

D) THE PROVINCE PROVIDE START-UP TECHNICAL AND FINANCIAL ASSISTANCE TO COUNTIES WHO ASSUME A WASTE MANAGEMENT RESPONSIBILITY.

ON FINANCIAL ISSUES

30. COUNTIES AND THEIR CONSTITUENT LOCAL MUNICIPALITIES UNDERTAKE A COUNTY-WIDE REASSESSMENT BY PROPERTY CLASS.

31. THE MUNICIPAL ACT BE AMENDED SO THAT THE AMOUNTS REQUIRED TO BE PROVIDED BY EACH MUNICIPALITY TO THE COUNTY SHALL BE PAID IN THE FOLLOWING INSTALMENTS:

A) 25 PER CENT OF THE AMOUNT REQUIRED FOR COUNTY PURPOSES IN THE PRIOR YEAR, ON OR BEFORE THE 31ST DAY OF MARCH;

B) 50 PER CENT OF THE AMOUNT REQUIRED FOR COUNTY PURPOSES IN THE CURRENT YEAR, LESS THE AMOUNT OF THE INSTALMENT PAID UNDER PARAGRAPH A, ON OR BEFORE THE 30TH DAY OF JUNE;

C) 25 PER CENT OF SUCH CURRENT AMOUNT ON OR BEFORE THE 30TH DAY OF SEPTEMBER;

D) 25 PER CENT OF SUCH CURRENT AMOUNT ON OR BEFORE THE 15TH DAY OF DECEMBER.

32. THE MUNICIPAL ACT BE AMENDED SO THAT A BY-LAW MAY BE ADOPTED BY A TWO-THIRDS VOTE OF COUNTY COUNCIL REPRESENTING A MAJORITY OF THE LOCAL MUNICIPALITIES, TO PROVIDE ALTERNATE PERCENTAGE AMOUNTS AND DUE DATES.

33. THE MUNICIPAL ACT BE AMENDED TO ALLOW COUNTIES TO ISSUE THE SAME TYPES OF DEBENTURES AS LOCAL MUNICIPALITIES.

34. THE PUBLIC LIBRARIES ACT BE AMENDED TO PROVIDE COUNTIES WITH THE AUTHORITY TO ISSUE DEBENTURES ON BEHALF OF COUNTY LIBRARY BOARDS FOR CAPITAL EXPENDITURE PURPOSES.

35. THE MINISTRY OF TRANSPORTATION REVIEW AND CONSIDER CHANGING THE COMPULSORY CONTRIBUTION BY THE COUNTY FOR ROAD PURPOSES IN URBAN MUNICIPALITIES, PARTICULARLY WITH REGARD TO TOWNSHIPS WHICH CHANGE STATUS.

36. WHEN A SERVICE IS TRANSFERRED FROM LOCAL MUNICIPAL PROVISION TO COUNTY ADMINISTRATION, OR VICE VERSA, THE COUNTY AND THE MUNICIPALITIES CONCERNED MAY APPOINT A COMMITTEE OF ARBITRATORS FOR THE PURPOSE OF DETERMINING THE DISPOSITION OF THE ASSETS AND LIABILITIES, INCLUDING RESERVE FUNDS OF THE MUNICIPALITIES CONCERNED, AND;

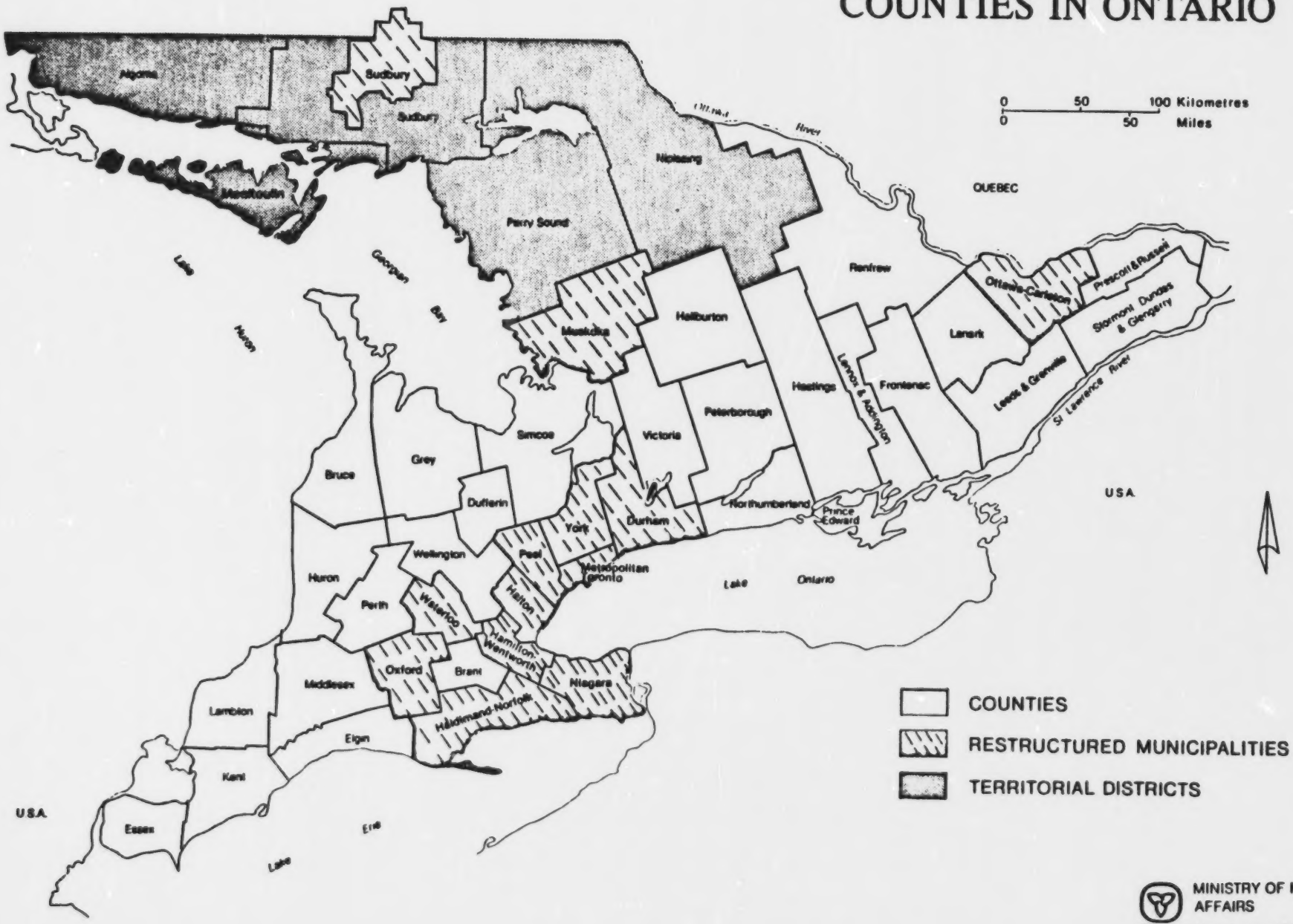
A) THE COMMITTEE SHALL CONSIST OF THE TREASURERS OF THE COUNTY AND THE MUNICIPALITIES CONCERNED AND SUCH OTHER PERSON OR PERSONS THAT THE COUNTY AND THE MUNICIPALITIES CONCERNED AGREE TO APPOINT;

B) THE COMMITTEE SHALL MAKE A FINAL DETERMINATION OF THE DISPOSITION OF ASSETS, LIABILITIES AND RESERVE FUNDS, TOGETHER WITH DETERMINATIONS OF ANY FINANCIAL ADJUSTMENTS WHICH MAY BE NECESSARY;

C) THE FINAL DETERMINATION MADE BY THE COMMITTEE SHALL BE FORWARDED TO THE COUNTY AND THE MUNICIPALITIES DIRECTLY CONCERNED AND TO THE ONTARIO MUNICIPAL BOARD;

D) THE COUNTY OR ANY OF THE CONCERNED MUNICIPALITIES MAY APPLY TO THE ONTARIO MUNICIPAL BOARD TO APPEAL THE DETERMINATION BY THE COMMITTEE OF ARBITRATORS, AND THE DECISION OF THE ONTARIO MUNICIPAL BOARD WOULD BE FINAL.

COUNTIES IN ONTARIO



MINISTRY OF MUNICIPAL AFFAIRS
Ontario
November 1987

APPENDIX B

LIST OF MINISTRY OF MUNICIPAL AFFAIRS STAFF MEMBERS PROVIDING ASSISTANCE TO THE COMMITTEE

Local Government Organization Branch

Wendy Noble, Manager, Organization Policy
Susan Dolbey, Manager, Powers and Legislation
Lynne Peterson, Policy Advisor
Curry Clifford, Policy Advisor
Satish Dhar, Senior Policy Advisor
Linda Gray, Advisor, Legislation Policy
Laurie Leblanc, Policy Advisor Trainee
Angela Faienza, Researcher
Bridget daSilva, Administrative Support

Municipal Finance Branch

Ron Skinner, Senior Policy Advisor
Carla Kisko, Economic Assistant
Daniel Cowin, Economic Analyst

Provincial-Municipal Affairs Secretariat

Helen McLean, Intergovernmental Affairs Officer
Sylvia Woldenga, Administrative Support

Assistant Deputy Minister's Office

Maureen MacQuarrie, Executive Assistant

Municipal Training and Education Secretariat

Peter-John Sidebottom, Policy Advisor

APPENDIX C

ASSOCIATIONS, COUNTIES, MUNICIPALITIES AND INDIVIDUALS WITH WHOM THE COMMITTEE MET

Ministry of Municipal Affairs Offices

July 9, 1987

County and Regional Section of AMO:
Section Chairman Ron Book, Councillor, Regional Municipality of Niagara
Jack Morris, Councillor, County of Essex
Milton Bellamy, Councillor, County of Grey
Bill Hanly, Administrator/Clerk-Treasurer, County of Huron
Lloyd Bryson, Councillor, County of Lambton
Bob Foulds, Administrator-Clerk, County of Kent
Bryce Young, Councillor, County of Victoria
Mark Emery, Manager of Section Services, AMO

July 10, 1987

Association of Clerks and Treasurers of Counties and Regions of Ontario:
President Wayne Kloske, Administrator and Clerk, County of Lambton
Dan Ciona, Clerk-Treasurer, County of Brant
Bob Foulds, Administrator and Clerk, County of Kent
Bill Hanly, Administrator and Clerk-Treasurer, County of Huron
Doug Armstrong, Administrator and Clerk-Treasurer, County of Peterborough

September 24, 1987

Small Urban Section of AMO:
Mayor Bill Wyatt, Town of Port Hope
Reeve Bill Mickle, Town of Exeter

Peterborough County Court House

July 21, 1987

Township of South Monaghan:
Deputy Reeve Bill Jones

Township of North Monaghan:
Deputy Reeve Alta Whitfield
Reeve Clarence Johnston

County of Haliburton:
Clerk-Treasurer Gary McKnight

County of Peterborough:
Warden David Nelson

County of Victoria:
Warden Bryce Young
Reeve Harold Bruce, Township of Dalton
Reeve Dave Murray, Township of Fenelon

Township of Mariposa:
Reeve Edwin A. Starr
Deputy Reeve Douglas Fish
Councillor Jim Lyons
Councillor Ron Jenkins
Councillor Ron Hamill

Townships of Belmont and Methuen:
Reeve Graydon Harris

Lanark County Building

July 22, 1987

Councillor Ian Wilson, Township of Ernestown

Lanark County:
Warden Brian Costello
Reeve William Buffam, Township of Montague
Deputy Reeve Harry Barr, Township of Pakenham

Stormont, Dundas and Glengarry County:
Warden Keith Fawcett
Clerk-Administrator Ray Lapointe

Dufferin County Courthouse

July 29-30, 1987

County of Wellington:
Warden Walter Quanz
Clerk-Coordinator Jim Anderson

Township of Peel:
Deputy Reeve Pat Salter

Township of Nichol:
Reeve Gordon Montgomery
Councillor George Pinkney
Councillor Don Ainley

Town of Kincardine:
Mayor Charles Mann

County of Dufferin:
Warden Arnold Patterson
Chief Administrative Officer Scott Wilson

Town of Palmerston:
Reeve Catherine Keleher

County of Bruce:
Warden Ross Herron
County Planner Don Scott

County of Grey:
Reeve Milton Bellamy, Township of Keppel
Reeve Mervin Johnston, Township of Derby
Clerk Lorne Floto

Mayor Ron Emo, Town of Collingwood

F.I. Ryckman, Director, Federation of Ontario Cottagers' Associations Incorporated

Township of Pilkington:
Reeve Jim Kurz
Clerk-Treasurer Len Day

Mayor Alec Watson, Town of Mount Forest

Reeve Jo Schneider, Township of Erin

County of Middlesex Council Chamber

August 5-6, 1987

Township of Westminster:
Reeve Don Budden
Planning Director Doug Stanlake
Planning Student Bruce Smith

Professor Andrew Sancton, University of Western Ontario

Township of London:
Administrator-Clerk A.F. Bannister

County of Elgin:
Reeve Charles Black, Village of Rodney
Clerk-Treasurer George Leverton

Town of Wallaceburg:
Deputy Reeve Max Heath
Clerk Sheldon Parsons

Town of Exeter:
Mayor Bruce Shaw
Reeve Bill Mickle
Deputy Reeve Lossy Fuller

County of Brant:
Warden Joe Keresturi
Clerk-Treasurer Dan Ciona

County of Huron:
Warden Brian McBurney
Clerk-Treasurer Bill Hanly

Township of North Dorchester:
Reeve Bill Lane
Deputy Reeve Bill Irwin
Councillor Brian Courtis
Councillor Jim Maudsley
Councillor Jim Thompson
Administrator-Clerk Clyde Walton

County of Lambton:
Warden Robert Langstaff
Reeve Bill Boyd, Village of Point Edward
Deputy Reeve John McCharles, Town of Petrolia
Treasurer Don Bruder

Township of Euphemia:
Deputy Reeve Bill Bilton
Councillor Dave Dejonge

Village of Wyoming:
Reeve Lloyd Bryson

Elsa Haydon

Township of Sarnia:
Reeve Ray Whitnall
Administrator-Treasurer Dick Chowen
Planning Commissioner Peter Hungerford

County of Kent:
Warden Rex Crawford
Deputy Reeve Paul Reno, Town of Tilbury
Reeve Al Davidson, Township of Tilbury East
Clerk-Administrator Bob Foulds

County of Essex:
Warden Ray Robinet

Huron Mayors' Committee:
Mayor Bruce Shaw, Town of Exeter
Mayor John Balfour, Town of Clinton
Mayor Al Ross, Town of Seaforth

APPENDIX D

SUBMISSIONS TO THE COMMITTEE

COUNTIES

County of Brant
County of Bruce
County of Dufferin
   CAO Scott A. Wilson
   Warden Arnold Patterson
County of Elgin
County of Essex
County of Frontenac
County of Grey
County of Huron
County of Kent
County of Lambton
County of Lanark
County of Lennox and Addington
County of Middlesex
County of Peterborough
United Counties of Prescott and Russell
County of Prince Edward
County of Renfrew
County of Simcoe
United Counties of Stormont, Dundas and Glengarry
County of Victoria
County of Wellington

SUBMISSIONS TO THE COMMITTEE

LOCAL MUNICIPALITIES WITHIN COUNTIES

Township of Amabel
Township of Amherst Island
Townships of Belmont and Methuen
Town of Bradford
   Reeve Sandy Hudson
Township of Burleigh and Anstruther
Town of Campbellford
Town of Collingwood
   Mayor Ronald J. Emo
Town of Cobourg
Town of Deep River
Township of Denbigh, Abinger and Ashby
Township of Derby
Township of Ennismore
Township of Erin
   Reeve J.K. Schneider
Township of Ernestown
   Councillor Ian A. Wilson
Town of Essex
Town of Exeter
Township of Grattan
Town of Hanover
Town of Hawkesbury
Township of Howard
Village of Iroquois
   Reeve E.F. Rooney
Town of Kincardine
   Mayor Charles W. Mann
Township of Kincardine
Township of Kingston
Town of Kingsville
United Townships of Laxton, Digby and Longford
Town of Leamington
Town of Lindsay
Township of London
Township of Mariposa
Township of Maryborough
Village of Merrickville
Township of Minto
Town of Mitchell
Township of Mornington
Township of Murray
Township of Nichol
Township of North Dorchester

Township of North Monaghan
Township of Nottawasaga
Village of Omemee
Town of Palmerston
Town of Parkhill
   Mayor Ron Shirran
Township of Peel
Town of Penetanguishene
Township of Pilkington
Township of Plympton
Town of Port Hope
Township of Puslinch
Township of Raglan
Township of Rear Yonge and Escott
Township of St. Vincent
Township of Sandwich South
Township of Sarnia
Township of Smith
Township of Sombra
Township of South Monaghan
Township of Stafford
Township of Stephen
Village of Tottenham
Township of Tyendinaga
Township of Usborne
Township of Verulam
Town of Wallaceburg
Village of Watford
Township of West Luther
Township of Westminster
Village of Wyoming
Village of Zurich
   Reeve Robert Fisher

SUBMISSIONS TO THE COMMITTEE

OTHER MUNICIPALITIES

City of Sarnia

ONTARIO LOCAL GOVERNMENT ASSOCIATIONS

Association of Clerks and Treasurers of Counties and Regions of Ontario
County and Regional Section of Association of Municipalities of Ontario
Ontario Municipal Administrators Association
Organization of Small Urban Municipalities
Small Urban Section of the Association of Municipalities of Ontario

OTHER GROUPS

Federation of Ontario Cottagers' Associations Incorporated
Huron County Library Staff Association
Northumberland County Library Board
Provincial-Municipal Council Inc.
Henry R. LeBlanc, Executive Director (New Brunswick)
Province of Quebec, Ministry of Municipal Affairs

INDIVIDUALS

John W. Bowes
J. Cieslar
Gilbert Daury
Andreas Engel
Elsa Haydon
Paul Johnston
W.A. Johnston and Bill Johnston Jr.
Bob Lyons
Stan Mills
William Partridge
F.I. Ryckman
Prof. Andrew Sancton, University of Western
P.J. Seaton

APPENDIX E

MINISTRIES WITH WHICH THE COMMITTEE MET

Ministry of Citizenship and Culture
Ministry of Community and Social Services
Ministry of the Environment
Ministry of Health
Ministry of Housing
Ministry of Industry, Trade and Technology
Ministry of Natural Resources
Ministry of the Solicitor General
Ministry of Tourism and Recreation
Ministry of Transportation and Communications
Office for Senior Citizens' Affairs